

Approved: Carl Dean Holmes
Date 3-7-95

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes on January 31, 1995 in Room 526-S of the Capitol.

All members were present except: Representative Lloyd

Committee staff present: Raney Gilliland, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Mary Torrence, Revisor of Statutes
Shirley Wilds, Committee Secretary

Conferees appearing before the committee: Ed Spier - Water District No. 1 of Johnson County
Karl Mueldener - KS Department of Health and Environment
Don Tannahill - Professional Lawn Care Assn of Mid-America
Don Moler - League of Kansas Municipalities

Others attending: See attached list

Chairperson Holmes referred Committee members to an inventory before them regarding the State Mandates on Cities and Counties in Kansas, compiled by the Wichita State University. (Attachment 1)

The Chair announced appointment of three subcommittees:

A Subcommittee on **HB 2036**: Representatives Freeborn, Chair; Hutchins; McClure; McKinney; and Lawrence.

A Subcommittee on **HB 2040**: Representatives Empson, Chair; Aurand; and Feuerborn.

A Subcommittee on several bills that have not yet been considered in Committee this session: Representatives Lawrence, Chair; Krehbiel; and Empson. Chairperson Holmes has asked that this Subcommittee report to the Committee on February 7 with their recommendations for the disposition of these bills.

Hearing on HB 2061:

Ed Spier: (See Attachment #2.) In proposing this bill on behalf of Water District No. 1 of Johnson County, Mr. Spier said the measure is not a policy change to the statute, but instead is proposed only to remedy the procedural problems existing in the current law.

When speaking of those who can repair existing systems vs those who install new systems, Mr. Spier said this results in resentment between the two groups. Additionally, it creates an administrative impossibility in identifying those systems that have been modified. Mr. Spier maintains that until universal enforcement is applied at the end of 1999, the proposed bill will afford a concurrent delay in annual testing for the honest reporting owners who modify their irrigation systems.

Karl Mueldener. Mr. Mueldener offered a brief statement on **HB 2061**, stating they are supportive of Mr. Spier's reasoning, stating that their large district has considerable experience in implementing a cross connection program. (See Attachment #3.)

Donald R. Tannahill: (See Attachment #4.) In addition to speaking on behalf of the Professional Lawn Care Association of Mid-America, Mr. Tannahill relayed a message from the Lawrence Irrigation Association opposing **HB 2061**. (As a co-owner of a lawn service, Mr. Tannahill is also personally in opposition of the bill.)

Although realizing that the initial requirement for backflow devices was a mandate tied to the Federal Clean Water Act, Mr. Tannahill believes that the Kansas Legislature added to the burden by its action. He cited the example of his own business which operates primarily in Water District No. 1 that provides water to many cities in Johnson County. Each city can place additional requirements, thereby making it very confusing when they work in cities that are not in District No.1.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m.. on January 31, 1995.

Mr. Tannahill said he not only recommends that **HB 2061** not be passed, but that the requirement for the need of backflow devices be re-examined. He contends that the backflow requirement is nothing more than an unfunded mandate with no scientific documentation for its need.

In closing he said that the elimination of the backflow installation and periodic testing would reduce a source of revenue for his company.

Don Moler. (See Attachment #5.) Mr. Moler stated, as enumerated several times in the past, the entire problem with the approach found in **HB 2061** is the fact that the cross connections requirements (and the mandatory inspection and testing required) create an unfunded state mandate on local governments providing water services. It is the League's contention that those decisions should be left to the local units of government.

Action on HB 2041 and HB 2097:

Representative Doug Lawrence explained the Subcommittee report on **HB 2041** and **HB 2097** and the balloon before them. (See Attachment #6.) He reported the Subcommittee incorporated the two bills, with the rationale that by doing so it creates a reasonable alternative for possible passage. He allowed that this is a complicated issue and at some point more study most likely will be initiated. In essence, **HB 2041** essentially creates a regulatory process under Chapter 55, and **HB 2097** takes gas gathering systems out of Chapter 66. Representative Lawrence deferred to Representative Krehbiel, who also served on the Subcommittee.

Representative Krehbiel referred the Committee to Page 2, line 8 of **HB 2041**, wherein *or preparation* is deleted in the balloon. He recommends this language remain in the bill.

Representative Lawrence made a motion to adopt the balloon to **HB 2041**. Representative Freeborn seconded. Motion carried.

Representative Krehbiel made a motion on Page 2, line 8 to insert *or preparation* back into the balloon. Representative McKinney seconded. Representative Krehbiel and Representative McKinney withdrew their their motion.

Representative Krehbiel made a motion on Page 2, line 8 to insert *or preparation of, excluding processing*. Representative Lloyd seconded. Representative Krehbiel and Representative Lloyd withdrew their motion.

Representative Krehbiel made a motion on Page 8, line 2, to insert *gathering compression or dehydration* of natural gas. Representative McKinney seconded. Motion carried.

Representative Lawrence made a conceptual motion to amend Page 2, line 8 to add the language for a definition for natural gas processing. Representative Lawrence withdrew the motion.

Representative Krehbiel moved to adopt amendment to add new section to **HB 2041**, Page 2 to read: *Sec: . If an operator of a gas well is determined to be liable to a royalty owner for royalties which, per unit of gas, exceed the amount which the operator receives per unit of gas, less any fees, calculated on a per unit basis and paid to for gas gathering services with respect to such gas, the person performing the gas gathering services shall be liable for reimbursing the well operator for the difference.* Representative McKinney seconded. Motion failed.

Upon discussion by the Committee, Representative Lawrence gave an explanation of why the Subcommittee did not address some of the technical issues in the bills.

Representative Sloan made a motion to pass **HB 2041** favorably as amended. Representative Freeborn seconded. Motion carried.

Upon completion of action, a Committee member suggested the probability that the gas gathering issue become an interim study to refine legislation.

There being no further business to come before the Committee, the meeting adjourned at 5:10 p.m.

The next meeting is scheduled for February 1, 1995.

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE GUEST LIST

DATE: January 31, 1995

NAME	REPRESENTING
Tom Bruno	Allent Assoc.
Michelle Peterson	Ks. Gov. Consulting
Marty Vanier	KS Ag Alliance
JOE DICK	KLK BPU
DAN SMITH	WATER DIST. No. 1 Jo. Co.
Wilson E Speer	Water District No 1 of J.C.
DON Tammilli	TRINON Lawn Services
Jack Graves	PH - KN + Okey
Karl Maedamer	KOME
Larry D Shannon	Topeka - KSAWWA
Dab Hambley	RDA
TREVA PATTEN	MIDWEST ENERGY
Whitney Dameron	Pete McGill Assoc. Williams Field Services
JOHN C. BOTTENBERG	DEFFENBAUGH FWD
George Barbu	Barbu, Amos / Enron
Don Moler	

An Inventory of State Mandates on Cities and Counties in Kansas

compiled by

*H. Edward Flentje
Darron Leiker
Mark Detter*

Hugo Wall School of Urban and Public Affairs
Wichita State University

December 1994

1/31/

Attachment # 1

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State Mandates on Cities and Counties in Kansas: An Overview

by

H. Edward Flentje

In 1978, the U.S. Advisory Commission on Intergovernmental Relations (ACIR) raised the issue of state mandates on local governments to national attention. The ACIR report, State Mandating of Local Expenditures (1978: 7), concluded: "The first step necessary to come to grips with state mandating is a catalogue or inventory of existing state mandates." A few states had undertaken the compilation of such an inventory prior to 1978, and the ACIR report stimulated the preparation of such inventories in a number of additional states. No one in Kansas initiated such an inventory.

Late in 1993, the Hugo Wall School of Urban and Public Affairs at Wichita State University contracted with the League of Kansas Municipalities, the Kansas Association of Counties, Sedgwick County, the City of Wichita, and Johnson County to compile an inventory of state mandates on cities and counties in Kansas. This publication is the result of that contract.

Definition of State Mandates

In the broadest sense, a state mandate on cities and counties is any action of state government that inhibits the capacity of a city or county to make its own decisions. Most definitions of state mandates, however, have originated from the 1978 report of ACIR (1978: 2), which defined a state mandate as "any state constitutional, statutory, and administrative action that either limits or places additional expenditure requirements on local governments." This definition focuses primarily on the cost requirements of a mandate and tends to ignore procedural mandates, which likely constitute the bulk of state mandates. Procedural mandates are those in which the state tells cities and counties "how" to do something and not necessarily what to do.

ACIR recognized the limitations of a cost-based definition of mandates and in a 1990 report (1990: 2) suggested a more penalty-based approach saying that "mandates arise from statutes, constitutional provisions, court decisions, or administrative regulations or orders that demand action from 'subordinate' governments under pain of civil or criminal sanctions."

In Kansas, any failure to comply with state law may carry a civil sanction for a city or county official. The ouster provisions in Kansas law (see K.S.A. 60-1205) provide a potential civil sanction for any city or county official who ignores a mandate in state law. Under these ouster provisions, any person holding a city or county office is subject to forfeiture of office for "willful misconduct in office" or "willful neglect of duty." A local official may be suspended from performing any duties pending final determination of ouster proceedings (see K.S.A. 60-1207). Further, a member of a board of county commissioners is subject to a specific statutory provision making willful violation of the law or failure to perform any duty required by law a misdemeanor punishable by fines and imprisonment (see K.S.A. 19-233).

In addition to ouster, failure to comply with a state mandate could subject an elected city governing body member or member of a board of county commissioners to recall. Article 4, section 3, of the Kansas Constitution provides that all elected public officials, except for judicial officers, shall be subject to recall by the voters. Further, state statutes implementing this constitutional provision make "failure to perform duties prescribed by law" grounds for recall (see K.S.A. 25-4302).

For purposes of compiling this inventory, a state mandate on cities and counties includes any state constitutional provision or statutory enactment that:

- requires city or county expenditures; or
- constrains city or county actions;

This definition excludes judicial actions, federal mandates not replicated in state law, state grants with conditions, and administrative rules and regulations. Also specifically excluded for purposes of this inventory are state statutes that specify grounds for civil or criminal prosecution by prosecuting attorneys at the city or county level.

Included as mandates are those that affect most general offices or officers of cities and counties. For example, in cities these offices would include the city governing body, city manager, city clerk, and city treasurer. For counties these offices would include the board of county commissioners, county clerk, county treasurer, and sheriff. Specifically excluded are mandates directed at various instrumentalities that may be created by city or county governing bodies, such as library boards, irrigation districts, planning commissions, and other similar local entities.

Methodology

The inventory of state mandates on cities and counties was compiled using a methodology derived from the experience of other states that have completed such inventories. This methodology generally follows the guidelines developed by Janet M. Kelly (1993) for the National League of Cities. Kelly recommends a comprehensive approach that assists state policy makers in understanding the cumulative impact of state mandates and in identifying archaic and conflicting mandates. Specifically, Kelly suggests that mandates be identified through computerized key-word search of state statutes—when such capability is available.

A computerized database of state statutes has recently become available in Kansas through the Information Network of Kansas (INK). The INK database of current Kansas Statutes Annotated (K.S.A.), as well as K.S.A. supplements, is available through the Wichita State University library and has the capacity for rapid key-word search.

The key-word search function in INK is used by simply indicating a key word or string of key words. INK then scans the entire K.S.A. database and identifies those statutory provisions that include the key word or words. INK was instructed to conduct such a search using the key words, "cities or counties or municipalities or local governments shall or must."

This search generated a list of 10,071 statutory citations covering statutory enactments effective through the 1993 legislative session.

Each of the 10,071 statutory provisions was examined applying the definition of a state mandate outlined above. In other words, does a statutory provision require city or county expenditures or does a provision constrain city or county actions. Applying this definition to thousands of statutory provisions requires substantive assessment of statutory language and ultimately judgement. This statutory review was conducted by Darron Leiker and Mark Detter, graduate assistants in public administration who are familiar with city and county government, and H. Edward Flentje, professor of public administration, all associated with the Hugo Wall School of Urban and Public Affairs at Wichita State University.

The initial statutory review was conducted by Leiker and Detter, who identified potential mandates and completed a mandate worksheet for each statutory provision or set of provisions so identified. The mandate worksheet contained: a name for the mandate; a brief description of the mandate; jurisdictions to which the mandate applies; the legal basis of the mandate; the year of enactment and of last amendment of the mandate; the supervising state agency, if any; and the office or officials affected. Each of those worksheets was then reviewed and edited by Flentje. Once a substantial number of worksheets had been compiled and edited, the mandates were categorized jointly by the researchers into mandate type and subject area. Initial drafts of these worksheets were provided for review and comment to the executive officers of the League of Kansas Municipalities, the Kansas Association of Counties, Sedgwick County, the City of Wichita, and Johnson County.

In general, this compilation and review process followed a number of protocols:

First, many Kansas statutes affecting cities and counties specify parameters such as population or assessed valuation that limit application of the statute to a few, unnamed local jurisdictions. In such cases, for reasons of limited application, even those statutory provisions fitting the definition of a state mandate were excluded from the inventory.

Second, many Kansas statutes affecting cities and counties have general application, but a city or county may exempt itself from such a statute through the exercise of home rule powers. All state mandates derived from such statutes were included in the inventory since the exercise of home rule powers places a variety of constraints on a jurisdiction, for example, in requiring intricate procedural steps and subjecting final action to protest petition and possible referendum.

Third, a single state mandate may be derived from one or more statutory provisions. Where possible, the number of state mandates was minimized by deriving a single mandate from a number of statutory provisions rather than defining each separate provision as a mandate. As a result, the 941 state mandates identified in this inventory were derived from 1,563 statutory citations.

Fourth, mandates that could have been derived from statutory citations found in chapters 13, 14, and 15 of Kansas Statutes Annotated, the chapters for cities of the first,

second, and third class, respectively, were excluded from the inventory (1,126 of the total 10,071 citations were in these three chapters). An assessment of the statutory provisions in these chapters determined that as much as 95 percent of these statutory provisions fall into one of five categories: 1) statutory provisions covering forms of government into which no cities fall; 2) statutory provisions, mostly archaic, which have not been given legislative attention for decades and are largely ignored; 3) statutory provisions narrowed in their application by population or other parameters such that they apply to no more than a handful of cities, if any cities at all; 4) statutory provisions specifically applicable to only one city; and 5) statutory provisions which are redundant with the general statutes for municipalities in chapter 12. In addition, since statutes in any one of these chapters apply to only one class of cities and therefore constitute "nonuniform laws," they would be susceptible to charter ordinance, with the possible exception of those provisions involving debt limits. In sum, compiling state mandates in these chapters was determined to be unproductive.

Fifth, in a small number of cases, the review of statutory provisions identified through INK led to identification of related statutes falling within the definition of a state mandate but not identified by the key-word search using INK. These mandates are included in the inventory.

In addition to the key-word search through state statutes, the Kansas constitution was reviewed for state mandates on cities and counties—without benefit of computerized search. Four state mandates derived from constitutional provisions were identified and are included in the inventory.

Applying the methodology and protocols outlined above produced an inventory of 941 state mandates on Kansas cities and counties, and as indicated above, each mandate may be derived from one or more specific statutory provisions or citations. Table 1 indicates the number of state mandates in terms of the number of statutory provisions from which each mandate is derived:

**Table 1
Number of State Mandates in Terms of the Number of Statutory Provisions from which State Mandate Is Derived**

Number of statutory provisions	Number of state mandates	Percent (%)
1	403	42.8
2	182	19.3
3	148	15.7
4-6	158	16.8
7-29	50	5.4

Table 1 shows that 403 state mandates, 42.8 percent of the total, were derived from a single statutory provision. Over three of every four state mandates were derived from one, two, or

three state statutory provisions. One in six state mandates were based on four-to-six statutory provisions, and fifty mandates were derived from seven or more statutes. In sum, 1,563 statutory provisions were used to derive the inventory of 941 state mandates. For purposes of the inventory, these mandates are compiled on 621 mandate worksheets.

Table 2 presents the number of state mandates in terms of their legal source, either the Kansas Constitution or a chapter of Kansas Statutes Annotated. The principal legal sources of state mandates with 40 or more state mandates are K.S.A. chapters on cities with 294, counties with 158, public health with 69, roads and bridges with 62, taxation with 59, and bonds with 48.

Table 2
Number of State Mandates by Legal Source

Legal Source ^a	Number of state mandates
Constitution	4
1	0
2	13
3	5
4-7	0
8	20
9	1
10	48
11	0
12	294
13-15 ^b	0
16	0
17	12
18	1
19	157
20-23	0
24	8
25-27	0
28	3
29	3
30	0
31	6
32-39	0
40	1
41	9
42	8
43	0

Table 2 (continued)

Legal Source ^a	Number of state mandates
44	5
45	2
46	0
47	8
48	3
49-57	0
58	10
59	0
60	2
61-64	0
65	69
66	8
67	0
68	62
69	0
70a	2
71	6
72	10
73	23
74	30
75	10
76	2
77	0
78	1
79	59
80	18
81-82	0
82a	16
83	2
84	<u>0</u>
Total	941

^aKansas Constitution or chapter of Kansas Statutes Annotated.

^bChapters 13, 14, and 15 were excluded from the inventory as explained above.

Mandate Types

Since no satisfactory scheme for classifying mandates is available, state mandates on Kansas cities and counties identified in the inventory have been categorized from the perspective of the local jurisdiction being mandated. In other words, what is the city or county being coerced to do or not to do? Specifically, for each mandate a determination was made of how

local officials would view the substantive character of the mandate and the nature of the control that a mandate places on the local jurisdiction. Based on this approach, the 941 state mandates were categorized into seven mandate types, as follows:

- citizen preemption;
- finance;
- governance;
- interlocal relations;
- organization;
- state preemption; and
- state supervision.

These mandate types are explained below.

Citizen preemption. Citizen-preemption mandates are those in which the authority of the city governing body or the board of county commissioners is either preempted or subject to being preempted by citizen action. These mandates restrain duly-elected city and county governing bodies by authorizing citizens, through procedures such as protest petition, referendum, and initiative, to counteract actions of the governing body or to act independently of the governing body. In most cases citizens are defined as the duly-qualified electors of a jurisdiction; however, in certain instances, Kansas statutes authorize other citizens, for example, property owners, taxpayers, or business owners directly affected by a decision, to preempt governing body actions in various ways.

Finance. Finance mandates either require or constrain actions that authorize expenditures, tax levies, the issuance of debt, investments, and tax exemptions by city governing bodies or boards of county commissioners. Finance mandates generally fall into one of eight categories: 1) required expenditures such as certain payments, purchases, appropriations, or employment of personnel; 2) required tax levies for certain purposes; 3) limitations on expenditures for certain purposes; 4) limitations on tax levies for certain purposes; 5) required tax rates for certain local taxes; 6) limitations on the investment of local funds; 7) restrictions on the authorization of tax exemptions; and 8) limitations on the issuance of short- and long term-debt, including, for example, requirements for state approval and restrictions on the term to maturity, interest rates, the amount of issuance, and sources for repayment, among others. Mandates involving financial management are categorized under governance rather than finance.

Governance. Governance mandates comprise a more generic category of state mandates that constrain policy making and administration in city and county governments. The scope of a governance mandate may vary from a narrow slice of local governmental activity to every sphere of city and county government. In general, these mandates restrict the authority of city or county governing bodies and prescribe actions to be taken by those governing bodies. In some cases, a governance mandate requires the performance of specific governing assignments by the city and county governing bodies. However, governance mandates often leave the decision of whether to act within a certain sphere with the local governing body, but if a governing body decides to act, these mandates prescribe what to do, how to do it, or both. In other words, the local governing body determines whether to act, then the state mandate controls

to a large degree what is done or how it is done or both. The overwhelming number of governance mandates prescribe procedures, often administrative procedures, that local governing bodies must follow in various spheres of activity. In a significant number of cases, governance mandates prescribe procedures for the establishment or dissolution of instrumentalities of city or county governments.

Interlocal relations. Mandates involving interlocal relations require certain procedures for coordinating actions between and among cities, counties, and other political subdivisions of the state. The purpose of these mandates is coordination between and among neighboring or overlapping local jurisdictions. Interlocal-relations mandates often require procedures such as prior notification, prior approval, mutual consent, among others.

Organization. Organization mandates constrain the organization of city and county governments most often by detailing the duties of specific city or county officials. By writing the job descriptions of local officials into state law these mandates often obstruct the capacity of local governing bodies to make the organization of city and county government more responsive to community demands. One form of organization mandates requires the employment of city or county officials, as well as assigning such officials specific statutory duties. Another form specifies the duties of local officials with respect to state officials, essentially making certain local officials subject to the supervision of a state official. Organization mandates are based on the notion that city and county governments are agents of state government and generally apply more often to county officials than to city officials.

State preemption. State-preemption mandates are those in which the authority of the city governing body or the board of county commissioners is either preempted by state law or subject to being preempted by the action of a state official or agency. In state-preemption mandates city and county officials are prohibited from acting within a specified substantive area in order that state government might act exclusively in the preempted area. State preemption is often seen in the subject areas of finance and regulation. In finance, for example, state government preempts city and county revenue sources, such as levying taxes on incomes, excise taxes on cigarettes or beer, or fees on insurance companies or receipts, among others. In the regulatory area, state government largely preempts local regulation of certain utilities and liquor among other areas.

State supervision. State-supervision mandates subject the actions of city or county governing bodies, or city and county officials, to some form of supervision by state officials or agencies, such as, approval by a state agency or official prior to implementing a program or project or making emergency expenditures. Other forms of state supervision require state registration or certification for certain local purposes, state approval of the appointment of certain local officials, the filing of documents with a state agency prior to local action, or local assistance to state officials in the performance of certain state assignments.

Table 3 shows the number of state mandates on cities and counties in Kansas by the type of mandate:

Table 3
Number of State Mandates by Type of Mandate

Type of mandate	Number	Percent (%)
Governance	224	23.8
Finance	173	18.4
Citizen preemption	160	17.0
State supervision	137	14.6
Organization	127	13.5
State preemption	65	6.9
Interlocal relations	<u>55</u>	<u>5.8</u>
Total	941	100.0

As indicated in the table, 224 state mandates, almost one in every four state mandates on cities and counties in Kansas, is a governance mandate, that is, a general, most likely procedural, restriction on policy making and administration in city and county governments. Finance mandates, those restricting various financial transactions of cities and counties, comprise the next largest number of state mandates, totalling 173 mandates and making up 18.4 percent of the total. Citizen-preemption mandates follow closely numbering 160 state mandates, 17.0 percent of the total. Together, governance, finance, and citizen-preemption mandates comprise over half of the 941 state mandates.

State-supervision mandates number 137, or roughly one in every seven state mandates. Organization mandates total 127. State mandates in which state government preempts city and county government add up to 65, and those mandates involved in coordinating interlocal relations total 55.

State mandates apply more often to counties than to cities in Kansas, as shown in table 4 which presents the number of state mandates in terms of the jurisdiction to which the mandate applies:

Table 4
Number of State Mandates in Terms of Jurisdiction to which Mandate Applies

Jurisdiction	Number of state mandates	Percent (%)
Counties only	392	41.7
Cities and counties	348	37.0
Cities only	<u>201</u>	<u>21.4</u>
Total	941	100.0

Of the 941 state mandates, 392 apply only to counties; 348 apply to both cities and counties; and 201 apply only to cities. Therefore, 740 or nearly four of every five state mandates identified in the inventory apply to county governments in Kansas. However, city governments are not seriously slighted in state attention as 549, or 58.3 percent of the total number of mandates identified, apply to city governments.

The application of state mandates between cities and counties does not vary substantially by type of mandate—with two exceptions worthy of note. First, organization mandates apply primarily to county governments. For example, eighty-five of 127 organization mandates apply to counties only; thirty-four apply to both cities and counties; and only eight apply to cities alone. In sum, 119 of the 127 organization mandates, or 93.7 percent, apply to county government. In essence, state policy makers have firmly fixed the organization and job descriptions of many county offices and officials into state statutes—while at the same time leaving city governments relatively free of such organizational constraints.

Second, citizen-preemption mandates apply more frequently to cities only than do all state mandates in general. Specifically, while only 21.4 percent of all mandates apply to cities alone, 33.8 percent of the citizen-preemption mandates apply to cities alone. State policy makers have tended to limit the authority of city governing bodies by empowering citizens to preempt actions of the governing body through protest petitions, initiatives, and referenda.

With few exceptions, the state mandates on cities and counties identified in the inventory place the responsibility for enforcing state mandates squarely with the governing body of the local jurisdiction—rather than on specific city or county officials. Specifically, 848 state mandates, or nine of every ten mandates, apply directly to the city governing body or the board of county commissioners.

Another set of data collected as a part of the inventory of state mandates was the year in which the mandate was enacted by state policy makers or adopted by voters in the case of four mandates derived from the state constitution. Examining state mandates in terms of their date of origin sheds light on their evolution in Kansas. Table 5 presents the number of state mandates in terms of their decade of origin:

Table 5
Number of State Mandates by Decade of Origin

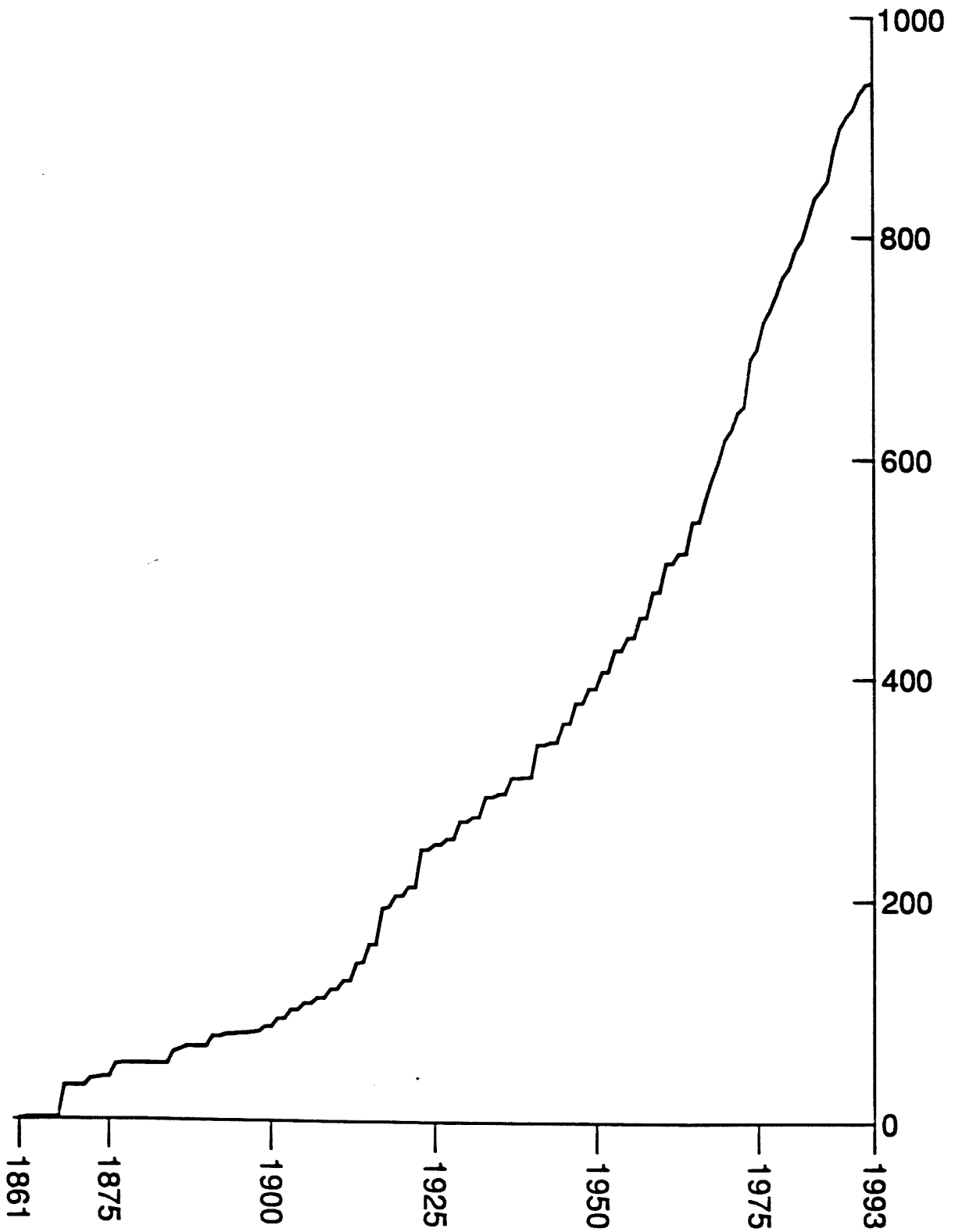
Decade of origin	Number
1860s	30
1870s	20
1880s	16
1890s	18
1900s	34
1910s	86
1920s	68
1930s	40
1940s	79
1950s	87
1960s	119
1970s	166
1980s	147
1990s	<u>31</u>
Total	941

These data show that Kansas state government has been enacting mandates on cities and counties from the beginning decades of statehood. Indeed, seventy-seven mandates still on the statute books in 1993 were originally enacted over one hundred years ago. This inventory covers mandates in effect through 1993 and therefore does not reveal how many mandates may have been enacted earlier but repealed prior to 1993.

These data also reveal historical patterns of state mandating in Kansas. After initial mandating in the first two decades of statehood, the number of mandates enacted declines in the 1880s and 1890s and then rises to an early peak during the progressive era in the first two decades of the twentieth century. State mandating activity again falls off during the national depression of the 1930s, but then rises dramatically from the 1940s through the 1980s. Nearly half of the 941 state mandates in effect in 1993 originated in the three decades of the 1960s, 1970s, and 1980s. During these three decades, state policy makers enacted on average fourteen new mandates on cities and counties every legislative session. State policy makers likely reflected and to a significant degree responded to the activist policies of the national government—seeking to make cities and counties in Kansas agents of state and national governments.

Researchers who have examined the issue of state mandates on local governments often emphasize the cumulative cost of increasing numbers of mandates (see Kelly, 1993: 27). The data collected on date of origin of state mandates on cities and counties in Kansas help to illustrate the cumulative impact of such mandates, as shown in figure 1 which graphically

Figure 1: Cumulative Number of State Mandates on Cities and Counties in Kansas



displays the historical accumulation of state mandates on cities and counties—over a period of 132 years. The graph shows an initial acceleration in the cumulative number of mandates during the progressive era and then a burst of mandates in the postwar period. The first hundred mandates evolved over a period of forty years. The last hundred mandates were enacted in only nine years. The rate of mandate enactment during the last four decades is six times that of the first four decades and twice that of the intervening five decades.

The type of state mandates on cities and counties in Kansas may also be examined by date of origin and reveals a few patterns. As might be expected, state policy makers were more active in adopting organization mandates on cities and counties in the first six decades of statehood compared to the last seven decades. Finance mandates were more likely to be enacted in the five decades from 1920 through 1969. State intervention through mandates preempting local authority and requiring supervision of local officials came heavily from 1960 through 1993. Almost two-thirds of the state-preemption and state-supervision mandates were enacted in this period—compared to slightly less than half of all mandates adopted in the same period. Indeed, three of every five state-preemption mandates came in one decade, the 1970s. In terms of state mandating of Kansas cities and counties over a period of 132 years, state policy makers began with organizational mandates, then moved to finance restrictions, and have finished with state intervention in the form of preemption and supervision of local officials.

Subject Areas

In addition to categorizing state mandates on Kansas cities and counties by type of mandate, each mandate in the inventory was classified by subject area of mandate, specifically the area of local government that the mandate seeks to control. Mandates were classified by both primary and secondary subject areas. For example, a state mandate placing expenditure limits on road projects would have the primary subject area of finance and the secondary subject area of public works. Table 6 shows the number of state mandates by primary subject areas:

Table 6
Number of State Mandates by Primary Subject Area

Subject area	Number	Percent (%)
General government	462	49.1
Finance	250	26.6
Health & environment	56	6.0
Public works	35	3.7
Public safety	31	3.3
Regulation	31	3.3
Autos	17	1.8
Planning-zoning	17	1.8
Agriculture	10	1.1
Human services	8	0.9
Public utilities	8	0.9
Natural resources	6	0.6
Hospitals	3	0.3
Courts	2	0.2
Economic development	2	0.2
Libraries	2	0.2
Culture	1	0.1
Total	941	100.0

Three of every four mandates on cities and counties in Kansas, specifically, 712 of the 941 state mandates, fall into the primary subject areas of general government and finance. One-half of these state mandates are in the primary subject area of general government that defines a broad category including forms of government, governmental boundaries, local elections, governmental operations and procedures, financial management, and personnel management. Another one-fourth are in the area of finance, a category which includes expenditures, revenues, investments, debt issuance, and tax exemptions.

Beyond the primary subject areas of general government and finance, a significant number of state mandate may be found in the areas of health and environment, public works, public safety, and economic regulation. Each of these subject range from three-to-six percent of the total number of state mandates and together comprise 153 state mandates or about one in every six of the total number. The remaining 76 state mandates are led by the subject areas of planning and zoning, automobiles, and agriculture.

Policy Options

The issue of state mandates on local governments has become a visible issue in states throughout the nation, and citizens groups, local officials, and associations of local government have developed "anti-mandate" strategies to defend against the growing number of state mandates on local governments. These strategies include measures to secure state reimbursement of the

costs of state mandates, the use of improved information and analysis on newly-proposed mandates, legal mechanisms to expand or strengthen home rule, the purging of existing mandates, and reorganized division of labor and revenue sources between state and local government. Some states have undertaken such strategies through constitutional adoption, others through statutory enactment. Voters have not been hesitant to adopt constitutional measures aimed at reducing state mandates.

Zimmerman (1994) surveyed twenty-five states that have taken actions to reverse the tide of mandates, and these actions are summarized as follows:

- 1) constitutional or statutory measures that require state government to fund any new mandate or to reimburse any local expenditures that result from the mandate;
- 2) constitutional measures that authorize local governments to approve or reject a mandate before it becomes legally binding;
- 3) statutory measures that provide a new source of funding for local governments before allowing state government to require local action or services;
- 4) establishment of a forum, for example, a legislative committee or a statewide committee, to hear complaints about mandates and make recommendations for amendment or repeal of specific mandates;
- 5) requirement that any new mandate have a sunset provision;
- 6) pilot testing of a new mandate with state government assuming the costs during the test period;
- 7) statutory authorization for the governor or an independent review commission to suspend the implementation of a mandate and refer it to the legislature with a recommendation for amendment or repeal;
- 8) constitutional measure that requires an extraordinary majority vote in order for the state legislature to adopt a statutory mandate;
- 9) gubernatorial directive that requires state agencies to consult with associations of local government and obtain the approval of the governor prior to promulgating a rule or regulation imposing a significant cost on local government; and
- 10) the establishment of a procedure for preparing fiscal notes on newly proposed mandates that provides for consultation with local governments prior to the enactment of a new mandate.

Fiscal-note procedure and reimbursement requirements are the two most common strategies for defending against state mandates according to Susan A. MacManus (1994). Forty-two states require fiscal notes in some form—although this approach has not been effective in

reducing the number of state mandates. Fifteen states have adopted reimbursement strategies, nine of which are constitutionally required and six statutorily required. These reimbursement strategies vary widely in the definition of state mandates and how their costs are calculated. According to MacManus, "local governments are more interested in the adoption, implementation, and monitoring of mandate-reimbursement requirements than of fiscal notes" (1994: 61).

MacManus (1994: 74-75) concludes:

The mandate limitation movement is alive and well. In 1990, a major front against unfunded state mandates was mounted by local governments in Florida and Wisconsin. These states submitted mandate-reimbursement requirement amendments to their voters, who overwhelmingly approved them...Their successes are likely to move the battle to other states, particularly states where local government revenue-raising capacities are limited and their fiscal conditions are worsening.

TESTIMONY PRESENTED ON
BEHALF OF WATER DISTRICT
NO. 1 OF JOHNSON COUNTY

HOUSE BILL 2061

Presented at the House Energy and Natural Resources Committee hearing on
Tuesday, January 31, 1995.

Water District No. 1 of Johnson County appears in support of House Bill 2061. The Bill itself is not a policy change to K.S.A. 1994 Supp. 65-171y, but instead is proposed only to remedy the procedural problems existing in the current law.

K.S.A. 1994 Supp. 65-171y is the adoption of the 1994 Session's Senate Bill 611 which assumed at the time that there would be eventual uniformity in the requirement of at least a double check valve upon the construction, renovation, replacement or extension of a lawn irrigation system. However, existing lawn irrigation systems can be sustained indefinitely by single repairs to a failed component part without the modifications listed in the statute. Unfortunately, this creates two classes of customers, one group being those who initially install or modify lawn irrigation systems, and the other group being those who have existing lawn irrigation systems and who avoid modification through component repairs. This results in resentment and complaints by those who are required to install the double check valve and pay for the periodic testing when they compare themselves with those who are avoiding that expense altogether through component repairs. Additionally, it is an administrative impossibility to identify what systems have been modified, thereby imposing the enforcement burden on the honesty of reporting.

To be effective, the double check valve has to be tested annually. Owners of existing irrigation systems who modify without reporting, and owners who simply repair, can delay annual testing. Until universal enforcement is applied at the end of 1999, the proposed Bill will afford a concurrent delay in annual testing for the honest, reporting owners who modify their irrigation systems.

State of Kansas

Bill Graves



Governor

Department of Health and Environment
Bob J. Mead, Acting Secretary

Testimony presented to

Energy and Natural Resources

by

The Kansas Department of Health and Environment

House Bill 2061

KDHE is supportive of HB 2061. The bill has been requested by Water District No. 1 of Johnson County. This large district has considerable experience in implementing a cross connection program. The District believes this bill will help them more fairly and effectively implement their program. To that end KDHE is supportive.

Testimony presented by: Karl Mueldener, Director
Bureau of Water
January 31, 1995

Honorable Chairman and members of the House Energy and Natural Resources Committee.

My name is Donald R. Tannahill. 11690 Renner Road, Olathe, Kansas 66061 (913) 782-2561

The Professional Lawn Care Association of Mid-America Board of Directors (of which I am a Director) unanimously voted to oppose House Bill #2061.

I have also been asked to relate the Lawrence Irrigation Association's opposition to House Bill # 2061.

My personal position as co-Owner of Tridon Lawn Services, Inc. is also to oppose House Bill # 2061 in relation to those that are not used for the application of fertilizers, pesticides or other chemicals and which are connected to the public water supply system.

The following testimony is as a small business owner whose company has installed underground sprinkler systems, backflow devices and completed backflow tests.

In order for our company to be qualified for such services involving backflow devices we must complete a 40 hour approved course at a cost of approximately \$280.00 plus the cost of employees wages. We then must purchase a "Backflow Tester" (see Attachment #1) at a cost of approximately \$653.00.

I realize that the initial requirement for backflow devices was a MANDATE tied to the Federal Clean Water Act. I believe that the Kansas Legislature added to the burden of this MANDATE by its action and by directing water supply sources to implement additional MANDATES. For example, we operate primarily in Water District #1 who provides water to many cities in Johnson County. Each city can place additional requirements. Some do not while others do such as requiring a copy of the report we prepare for Water District #1. It becomes very confusing when we work in cities that are not in Water District #1 plus also in the state of Missouri.

We are currently required by Water District #1 to:

- Have a Certified Backflow Technician present whenever such a device is installed, and a Backflow Device Test Report must be completed. One copy sent to the Water District, one to the customer and one for our files.
- Inspect annually and recertify each backflow device and complete Test Report with the same distribution.

- The Certified Backflow Technician must be recertified every three years. This requires at least one day of training at a cost to us of \$25.00 plus the employees salary.

It would be interesting to know who recommended the currently approved Backflow Devices and what research supported their selection.

The reason I raised this question is because there is such a COST variance - as much as 70% . This is our suggested cost price for the device and does not include the cost we pass on to the consumer for delivery and installation.

I thought that you might be interested in more detailed information about backflow devices. Listed below are some of the available devices with advantages/disadvantage plus where they are explained in more detail in attachments:

- Series #7 (Attach #2) - COSTS \$67.00 - DISADVANTAGE - Not currently approved for use although it was commonly used for the past 7-8 years. It can not be recertified per se but it could be a requirement to have the two ball checks replaced every so many years. ADVANTAGE - Can be installed below ground thus eliminating the possible freezing problem early in the fall.

- Series #800 (Attach #3) - COSTS \$114.00 - DISADVANTAGE - Potential freezing problem in early fall. Unsightly in that it must be installed at least one foot above the highest sprinkler head in the system. ADVANTAGE - can be tested.

- Series #007 (Attach #4) - COSTS \$149.85 - DISADVANTAGE - Has to either in the house or above ground. ADVANTAGE - Can be tested.

- Series #709 (Attach #5) - COSTS \$167.00 - DISADVANTAGE - If installed in the house it must be near a drain for when it flushes. Outside installation allows for freezing. ADVANTAGE - Can be tested.

- Series #009 (Attach #6) - COSTS \$247.05 - DISADVANTAGE - AND ADVANTAGE - Same as #709

- Series #909 (Attach #7) - COSTS #284.10 - DISADVANTAGE - High costs plus same as #709. ADVANTAGE - Can be tested.

It is my interpretation of Section 1 (a) that according to this bill only the public water supplier can perform the initial and periodic testings.

It is my interpretation of Section 1 (a) that according to this bill only the public water supplier can perform the initial and periodic testings.

My interpretation of Section 1 (b) is that this bill does not include Water District #1 of Johnson County in that it is not a city or county water supply system but is a separate entity.

I recommend that House Bill #2061 not only be disapproved but that the entire requirement for backflow devices be reexamined for the need thereof.

May I remind you that this is the second change in two years pertaining to the backflow device requirement. In 1994 it was Senate Bill #611 which addressed the High and Low Hazard devices. There must something wrong with the original requirement if it is necessary make changes year after year.

It is my contention that the backflow device requirement is nothing more than another unfunded mandate that has no scientific documentation for its need.

The Kansas Legislature's passing on of this unfunded mandate is compounded by the water supply provider's additional mandates. It is my estimation that Water District #1 had to hire at least two additional employees to handle their compliance. How are these employees paid - by raising the water rates.

The consumer thus is required to pay for the device, certification, recertification plus the higher water usage rates.

In closing I would point out that eliminating entirely the backflow installation, initial and periodic testing requirements would reduce a source of revenue for my company. In 1994 we installed approximately 28 backflow devices and performed at least a hundred tests. Be that as it may, it is still my recommendation that the backflow device requirement be at least reexamined if not totally eliminated.

THANK YOU FOR YOUR TIME AND THE OPPORTUNITY TO PRESENT MY VIEWS.

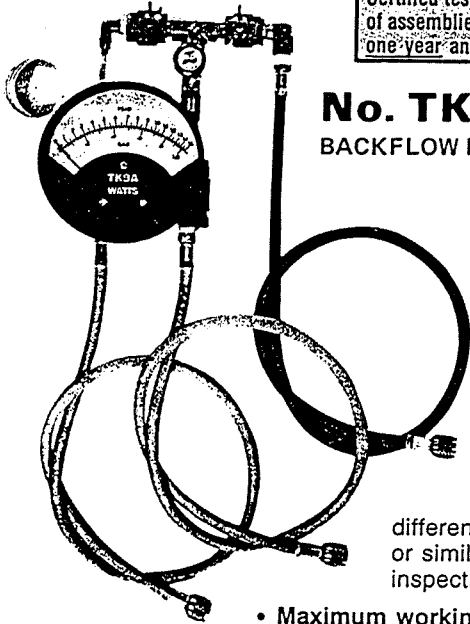
Donald R. Tannahill
DONALD R. TANNAHILL
11690 Renner Road
Olathe, Kansas 66061

WORK (913) 780-3322

7 Attachments

INSTALLATION/INSPECTION

Backflow prevention assemblies MUST be installed by a licensed journeyman tradesperson, who is recognized by the authority having jurisdiction, and inspected for compliance with local safety codes. Certified testing and maintenance are required to ensure proper function and maximum effectiveness of assemblies. These services must begin upon installation and be provided at intervals not to exceed one year and as system conditions warrant.



No. TK-9 MODEL "A" BACKFLOW PREVENTER TEST KIT

This test kit is for testing reduced pressure principle backflow prevention devices. It is easier to use than test equipment designed for testing all types of equipment. Connect it to any RPZ device for accurate testing of "zone" relief valve opening

differential, fouled check valves or similar problems that visual inspections cannot locate.

- Maximum working pressure - 175 PSI
- Maximum working temperature - 210°F
- Gauge - 0-15 PSIG and 0-1 Kg/cm², ±2% accuracy.

The test kit contains: gauge, test valves, hoses, adaptors, securing strap, instruction guide and lightweight case.

For additional information, send for S-FT-TK9A.

RESIDENTIAL DUAL CHECK

FOR LOW HAZARD APPLICATIONS — RESIDENTIAL SYSTEM CONTAINMENT — Installations with Continuous Pressure

It is recognized that one or more cross connections may exist in any domestic water supply system. In most cases, cross connections are created without the knowledge of local plumbing and health inspectors and usually the individuals responsible for creating them are not aware of it. Further, various service contractors, exterminators or others utilizing the domestic water supply often do not take necessary precautions against backflow. Backflow hazards originating in domestic water supply systems (owner systems) are beyond the jurisdiction of the water purveyor to control. The No. 7 Dual Check provides protection for the public water supply (water purveyor systems) against backflow hazards originating in the owner system. Also, the owner water supply system needs suitable backflow preventers at all cross connections to protect potable water against backflow hazards, for the benefit of the homeowner. The No. 7 Dual Check Valve is designed to prevent the reverse flow of water. It is suited for installation directly downstream from residential water meters. It is recommended that all water outlets including sill cocks, toilet ball cocks, etc., be downstream and that the owner's supply system must be in compliance with federal, state and local codes.

A properly installed and inspected domestic water supply system is the 1st line of defense for quality drinking water. Installation of the dual check valve has become relied upon as the 2nd line of defense. For more information on "2nd line of defense", send for F-DCV and F-BDL.

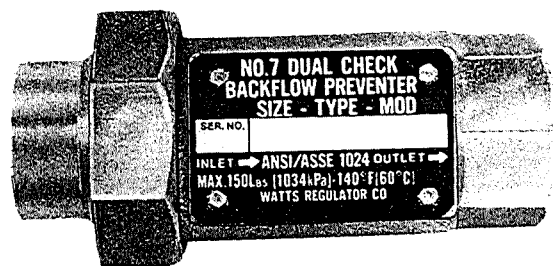
Any one or more of the following conditions not protected with a proper backflow preventer offer potential backflow hazards:

- Hose attached garden spray bottles
- Lawn sprinkler systems
- Bath tub whirlpool adaptors
- Hot tubs
- Water closet bowl deodorizer
- Wells (back-up water systems)
- Photo developing darkrooms
- Exterminator's equipment misapplied

NOTE: If a known water system health hazard is discovered by survey, consult state or local health officials for more stringent protection.

CONSTRUCTION

The No. 7 Series feature: bronze body construction, two compact acetyl resin plastic check modules, with buna "N" seals and stainless steel springs, "O" ring union seals and one union with the union nut drilled to accept a tamper-proofing lock wire. Its straight line poppet type construction minimizes pressure drop and provides smooth flow characteristics. It is not adversely affected by normal line pressure surges, will not cause water hammer and operates without chatter or vibration. The No. 7 Series can be installed horizontally or vertically. Two independent and separate checks provide safety. A variety of inlet and outlet connections are available as shown to the right.



Series 7

Sizes: 1/2" thru 1 1/4"

Provides backflow protection by containment at the water meter. The Dual Check is a versatile backflow preventer. It operates efficiently in the horizontal or the vertical position and under intermittent or continuous pressure. The No. 7 valve can be supplied in an extensive combination of inlet/outlet size, type of thread and type of connection.

Send for PL7 illustrating the different combinations:

INLET/OUTLET CONNECTIONS

The letter "U" is used in prefix to the type of thread and designates union connection. A union connection can be supplied on inlet/outlet or both. The example below indicates a 3/4" inlet x 3/4" outlet No. 7 with 3/4" NPT threaded female union inlet x 3/4" NPT threaded female outlet.

Example:	SIZE		SERIES	SUFFIX FOR CONNECTIONS	
	INLET	OUTLET		INLET	OUTLET
	3/4"	x 3/4"	- 7 -	U2 -	2

SUFFIX/SIZES:

- | | |
|---|--|
| U - Union Connection 1/2", 3/4", 1", 1 1/4" | † 7 - Pack joint male 3/4", 1" - Ford |
| 2 - NPTF thread female 1/2", 3/4", 1" | 8 - Female sweat 1/2", 3/4", 1" |
| 3 - NPTM thread male 1/2", 3/4", 1", 1 1/4" | 9 - Male sweat 1/2", 3/4", 1" |
| * 4 - Meter thread female 3/4", 1", 1 1/4" | 10 - Female meter thread (swivel) 3/4", 1", 1 1/4" |
| * 5 - Meter thread male 3/4", 1", 1 1/4" | 11 - HTM Male hose thread 3/4" |
| 6 - Pack joint female 3/4", 1" | 12 - HTF Female hose thread 3/4" |

CONNECTIONS/ABBREVIATIONS:

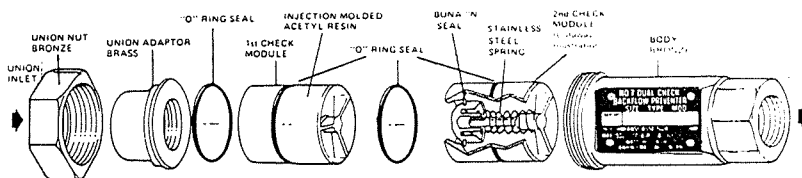
- | | |
|---|---|
| U - Union | PJF - Pack Joint Female |
| NPTF - National Pipe Tapered Female | † PJM - Pack Joint Male - Ford |
| NPTM - National Pipe Tapered Male | MTSF - Meter Thread Female (Swivel) |
| * (4) NHF - National Hose Straight Female (Meter Thread Female) | HTM - Hose Thread Male (Garden Hose) |
| * (5) NHM - National Hose Straight Male (Meter Thread Male) | HTF - Hose Thread Female (Garden Hose) |
| | BSPPF - British Standard Pipe Parallel Female |
| | BSPPM - British Standard Pipe Parallel Male |

* Meter thread connections

† Requires complete pack joint assembly manufactured by Ford company.

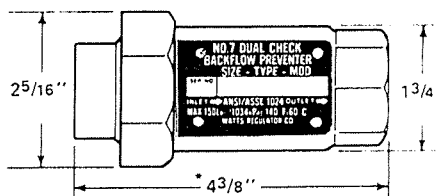
When ordering No. 7 valves with meter thread connection, order the connection one size larger than the water meter size.

1. 1/2" and 5/8" water meter; order 3/4" meter thread connection.
2. 3/8" and 3/4" water meter; order 1" meter thread connection.
3. 1" water meter; order 1 1/4" meter thread connection.



Send for PL-7 for illustrated price list.

DIMENSIONS-WEIGHT



Weight: 1 lb., 12 oz.

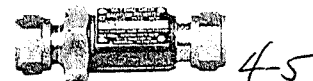
* 3/4", 1" NPT model only.

NEW

Quick hook-up fittings with template for new or retrofit installation of No. 7 No soldering required. Send for S-DCJ.



No. 7-U6-DCJ-PJ, No. 7 with pack joint adapters on inlet and outlet connections.

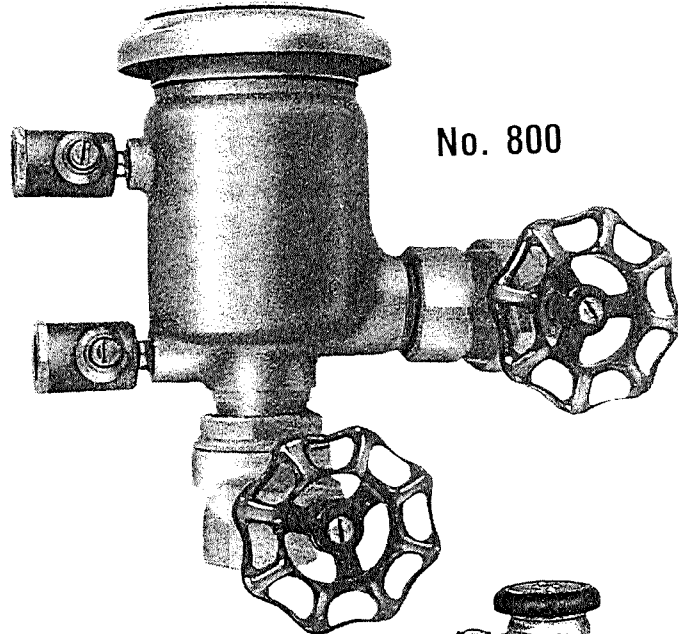


No. 7-U6-DCJ-SG, No. 7 with super grip adapters on inlet and outlet connections.

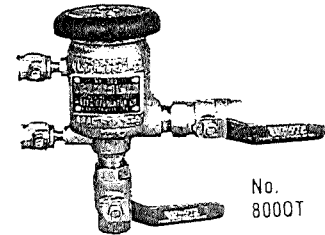
PRESSURE TYPE

BACKFLOW PREVENTION FOR HIGH HAZARD CROSS CONNECTIONS and CONTAINMENT —
Installations with Continuous Pressure,
No Backpressure

Designed to prevent back-siphonage of contaminated water into a safe drinking water supply. Ideally suitable for industrial process water systems and other continuous pressure piping system applications where the water enters the equipment at or below its flood rim. The disc float and check valve are suitable for temperatures up to 210°F. The durable silicone on the float and the check valve have high heat and shock resistance.



No. 800



No. 800T

APPLICATIONS

Pressure vacuum breakers must be installed utilizing good plumbing practice. Use of a check valve to damper out and shock arrestor where required is recommended. This valve is designed for installation in a continuous pressure potable water supply system 12" above the overflow level of the container being supplied. The valve must be installed with the supply connected to the bottom and in a vertical position where it is available for periodic inspection, servicing or testing.

IMPORTANT: This is a continuous pressure type vacuum breaker. When there is less than 1½ PSI water pressure on the vent disc, some spillage of water may occur. Therefore, do not locate these valves in concealed areas or where spillage of water will cause damage.

Important Note: Vacuum breakers are not designed, tested or approved to protect against backpressure backflow or water hammer shock. For protection against backpressure backflow, install a Watts #909 or 009 Reduced Pressure Zone Backflow Preventer. For protection against water hammer shock, install Watts #15 Water Hammer Arrestor.

OPTIONS:

Suffix

- QT - with quarter-turn, full port, resilient seated bronze ball valve shut-offs
- LF - without shut-offs

Send for PL-BPDL for illustrated price list.

OPERATIONAL FEATURES

When the line pressure drops to 1 PSI or below, the spring loaded disc float opens the atmospheric vent and the spring loaded check valve closes the inlet. This prevents the creation of a vacuum in the discharge line and prevents back-siphonage. As water flows through the valve, it pushes the check valve open and lifts the disc float which closes the atmospheric vent thus preventing leakage. The disc float is free floating without close fitting guides which assures freedom from sticking.

MATERIALS

- Hood - Stainless steel
- Bonnet - Bronze
- Vent Disc - Silicone rubber
- Disc Holder Float - Polyethylene
- Check Valve Disc - Silicone rubber
- Check Valve Seat - Bronze
- Body - Bronze
- Shut-off valves - NRS gate valves

FEATURES

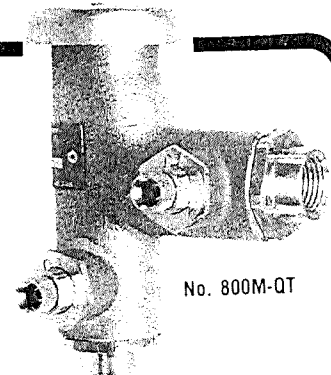
- Easy maintenance of internal parts
- Serves as an anti-siphon valve
- Ball valve test cocks for easy testing to insure proper operation
- Stainless steel hood

COMPACT MODEL

No. 800M-QT, 800MC-QT

Compact design model, ideal for institutional, OEM and other applications requiring minimum space. Features built-in ball valve shut-offs. Sizes ½", ¾".

- No. 800M-QT - bronze body
- No. 800MC-QT - chrome finish



No. 800M-QT

Size	DIMENSIONS (Inches)						Weight
	A	B	C	D	E	F	
1/2, 3/4	4 1/2	5 1/4	1 1/4	3 1/4	2 3/4	2	2 1/2 lbs.

ATCH #3

4-6

007QT Series Double Check Valve Assembly

Sizes: 3/4", 1", 1 1/2" and 2"

Watts 007QT Series Double Check Valve Assembly is designed to provide protection of the safe drinking water supply in accordance with national plumbing codes and water utility authority requirements for containment at the service line entrance. They can be applied to a variety of installations where the degree of hazard is considered to be low.

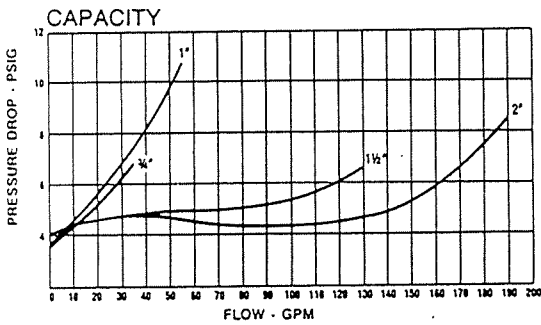
All sizes can be installed horizontally or vertically and are standardly equipped with ball type test cocks. Series 007QT has quarter-turn, full port, resilient seated, bronze ball valve shut-offs. For NRS gate valve shut-offs, order No. 007.

- Modular construction
- Renewable seats
- No special tools required for servicing

STANDARDS: Tested and certified under the following standards for double check valve assemblies: A.S.S.E. Std. No. 1015, AWWA Std. No. C506, FCCCHR of USC manual, Section 10, IAPMO listed.

PRESSURE—TEMPERATURE

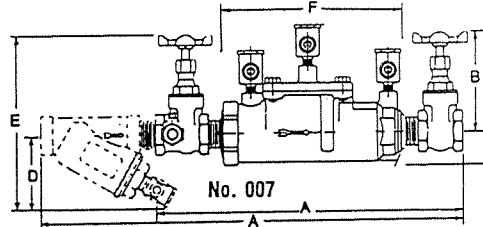
Supply pressure up to 175 PSI. Water temp. up to 180°F.



For additional information, send for ES-007.



No. 007QT



*SS models have same dimensions and weight.

Dimensions in inches, Weights in lbs.

SIZE	TYPE	A	B	C	D	E	F	WGT.
3/4"	007	14	4 1/2	5 1/2	—	—	8 1/2	9 1/4
	007-S*	18 1/2	4 1/2	5 1/2	2 3/4	6 1/2	8 1/2	11 1/4
1"	007	15 1/4	4 1/2	5 1/2	—	—	8 1/2	10
	007-S*	21 1/4	4 1/2	5 1/2	3 1/4	7 1/2	8 1/2	13
1 1/2"	007	19 3/4	5 1/2	7 1/2	—	—	12 1/2	24 1/2
	007-S	—	—	—	—	—	—	29
	007-SS	26 1/2	5 1/2	7 1/2	3 1/2	8 1/2	12 1/2	29 1/2
2"	007	21	6 1/2	8 3/4	—	—	12 1/2	28 1/2
	007-S	—	—	—	—	—	—	28 3/4
	007-SS-S	28 3/4	6 1/2	8 3/4	4	10 1/2	12 1/2	34 1/2

OPTIONS (can be combined):

Prefix U - Union connections

Suffix

S - with bronze strainer

SS - with stainless steel replaceable check valve seats for aggressive water conditions

QT - with quarter turn, full port, resilient seated bronze ball valve shut-offs

QT-T - for "T" handle ball valve shut-offs (3/4", 1")

LF - without shut-off valves

4-7
ATTCH #4

DOUBLE CHECK

Series 709 Sizes 3/4" to 2"

BACKFLOW PREVENTION FOR LOW HAZARD CROSS CONNECTIONS and CONTAINMENT - Installations with Continuous Pressure

Series 709 Double Check Valve Assembly is designed to prevent the reverse flow in water lines and to prevent non-potable water from entering into the safe drinking water system. This series can be applied to a variety of installations where the degree of hazard is considered to be low and where approved by the authority having jurisdiction.

MATERIALS

Bronze body construction, durable tight-seating, rubber check valve assemblies. Bronze ball valve test cocks.

Series 709 has Celcon® check seats. Series 709HW has stainless steel check seats, shafts and flange bolts.

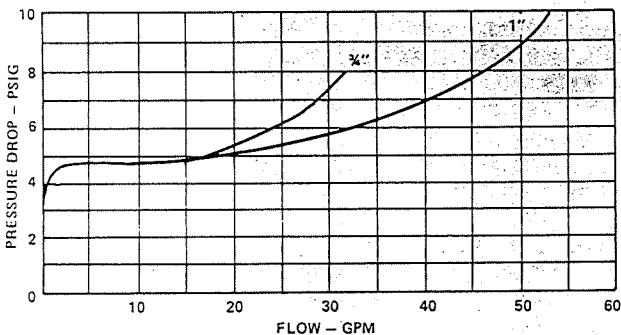
Standardly furnished with female threaded NPT connections and quarter-turn, full port, resilient seated, bronze ball valve shut-offs No. 709-QT. For NRS gate valve shut-offs, order No. 709.

PRESSURE-TEMPERATURE

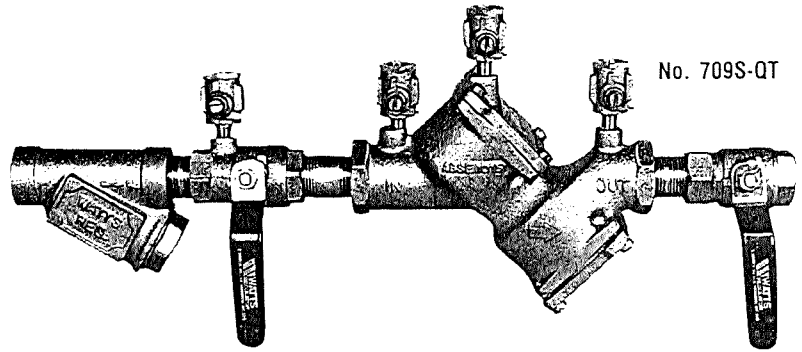
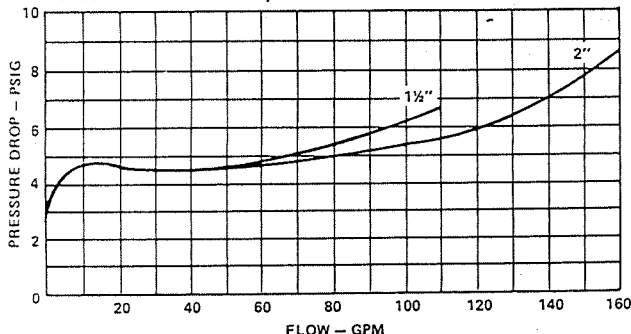
Series 709 suitable for supply pressure up to 175 PSI and water temperatures up to 140°F. Suffix HW stainless steel check modules for water temperatures up to 210°F and harsh water conditions.

CAPACITY

No. 709 Sizes 3/4", 1"



No. 709 Sizes 1 1/2", 2"



Series 709 features a modular design concept which facilitates complete maintenance and assembly by retaining the spring load access. The first and second check modules are interchangeable. Standardly furnished with ball valve test cocks. Can be installed horizontally or vertically.

For Series 007 (3/4" - 3") see page 10, and send for ES-007 and PL-BPDL.

OPTIONS (can be combined):

Suffix

S - with bronze strainer

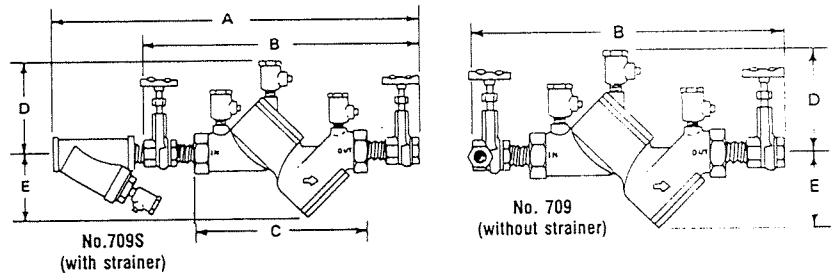
HW - with stainless steel check modules for hot water and aggressive water conditions

LF - without shut-off valves

FEATURES

- Quarter-turn ball valve shut-offs
- Bronze body construction
- Modular design with replaceable seats
- Ball valve test cocks
- Design pressure drop
- Available with bronze strainers
- Design simplicity for easy maintenance
- Spring loaded check assemblies are bayonet, poppet style, and center guided. No screws to come loose in the waterway
- No pistons to hang-up
- No special tools required for servicing

DIMENSIONS-WEIGHTS (are approximate)



SIZE	DIMENSIONS (Inches)						Total Weight (Lbs.)	
	A	B	C	D	E	Width	Less Strainer	With Strainer
3/4"	16	12 1/4	7 1/8	4	27/8	23/4	7 1/4	9
1"	17 3/4	13 3/4	7 1/8	4	27/8	23/4	8 1/2	11 1/2
1 1/2"	23	16 3/4	10 1/8	5	47/8	4 1/4	22 3/4	27 1/4
2"	24 3/4	17 3/4	10 1/8	5	47/8	4 1/4	24 1/2	32 1/2
QT								
3/4"	15 3/4	11 3/4	7 1/8	4	27/8	23/4	7 1/4	9
1"	18	13	7 1/8	4	27/8	23/4	8 1/2	11 1/2
1 1/2"	23	17 1/4	10 1/8	5	47/8	4 1/4	22 3/4	27 1/4
2"	25 3/4	19	10 1/8	5	47/8	4 1/4	24 1/2	32 1/2

Send for PL-BPDL for illustrated price list.

4-8
ATCH #

009QT Series Standard Reduced Pressure Zone Backflow Preventer

Sizes: 3/4" - 3"

Watts 009QT Series Backflow Preventers are designed to provide protection of the safe drinking water supply in accordance with national plumbing codes and water utility authority requirements. They can be utilized in backflow prevention programs, including high hazard cross-connections in plumbing systems, or for containment at the service line entrance.

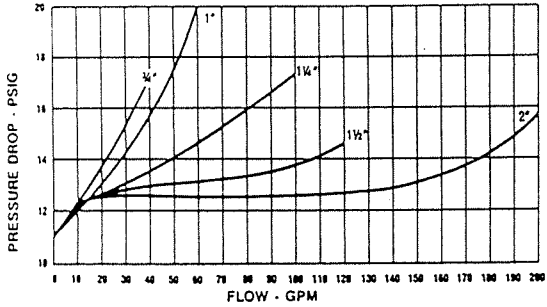
This series features two in-line, independent check valves with an intermediate relief valve. All sizes are constructed with NPT body connections. Standardly furnished with ball type test cocks and quarter-turn, full port, resilient seated bronze ball valve shut-offs (3/4" - 2") No. 009-QT. For NRS gate valve shut-offs, order No. 009. Sizes 2 1/2" and 3" have resilient wedge NRS flanged gate valve shut-offs No. 009-NRS-RW.

- Modular construction
- Renewable seats
- No special tools required for servicing

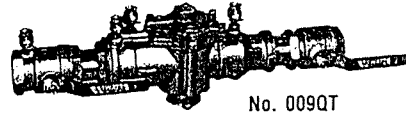
STANDARDS: Tested and certified under the following standards for reduced pressure zone backflow preventers; A.S.S.E. Std. No. 1013, AWWA Std. No. C506, FCCCHR of USC manual, Section 10, IAPMO listed.

PRESSURE—TEMPERATURE

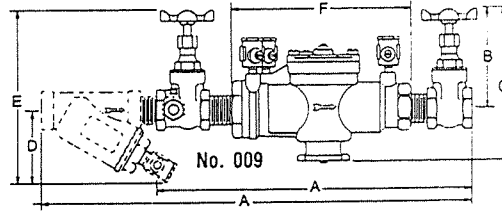
Supply pressure up to 175 PSI. Water temp. up to 180°F.



For additional information, send for ES-009 and ES-009L.



No. 009QT



*SS models have same dimensions and weight.

Dimensions in Inches, Weights in lbs.

SIZE	TYPE	A	B	C	D	E	F	WGT.
3/4"	009*	14	3 1/4	6			8 1/4	11 1/2
	009-S*	18 1/2	3 1/4	6	2 1/4	5 1/2	8 1/4	13 1/2
1"	009*	14 1/2	4 1/2	6 1/2			8 1/4	12
	009-S*	21 1/2	4 1/2	6 1/2	3 1/2	7 1/2	8 1/4	15
1 1/4"	009	19 1/2	5	8 1/2			12 1/2	27 1/2
	009-SS	19 1/2	5	8 1/2			12 1/2	28 1/2
1 1/2"	009	24 1/2	5	8 1/2	3 1/4	8 1/4	12 1/2	30 1/2
	009-SS	24 1/2	5	8 1/2	3 1/4	8 1/4	12 1/2	31 1/2
2"	009	19 3/4	5 1/2	8 1/2			12 1/2	29
	009-SS	19 3/4	5 1/2	8 1/2			12 1/2	32 1/2
2 1/2"	009	26 1/2	5 1/2	8 1/2	3 1/2	8 1/2	12 1/2	33 1/2
	009-SS	26 1/2	5 1/2	8 1/2	3 1/2	8 1/2	12 1/2	34 1/2
3"	009	21	6 1/2	10			12 1/2	30
	009-SS	21	6 1/2	10			12 1/2	30 1/2
3 1/2"	009	28 1/2	6 1/2	10	4	10 1/2	12 1/2	38
	009-SS	28 1/2	6 1/2	10	4	10 1/2	12 1/2	38 1/2

OPTIONS (can be combined):

Sizes: 3/4" - 2"

Prefix U - union connections

Suffix

S - with bronze strainer

SS - with stainless steel replaceable check valve seats for aggressive water conditions

QT-T - for "T" handle ball valve shut-offs (3/4", 1")

LF - without shut-off valves

Sizes: 2 1/2" and 3"

Suffix

S - with epoxy coated strainer

NRS-RW - with resilient wedge non-rising stem shut-offs

QT - with quarter turn, full port, resilient seated ball valve shut-offs

OSY - with outside stem and yoke gate valves

LF - without shut-off valves

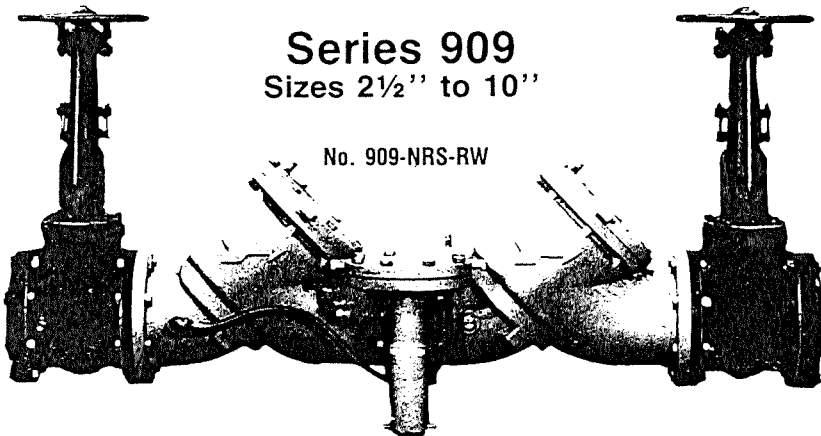
4-9
ARCH 12/6

BACKFLOW PREVENTERS



Series 909 Sizes 2½" to 10"

No. 909-NRS-RW



Series 909 2½"- 10" sizes provide backflow protection in cross connection control and containment with its unique patented design incorporating the "air-in/water-out" principle. Standardly furnished with non-rising stem (NRS) resilient wedge gate valve shut-offs No. 909-NRS-RW.

OPTIONS (can be combined):

Suffix

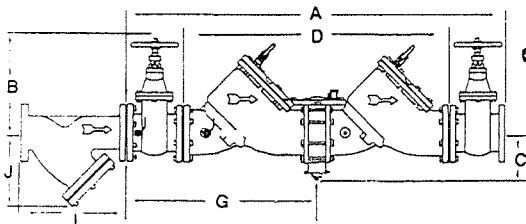
- S - with FDA approved epoxy coated strainer
- BB - with bronze body (2½", 3")
- OSY - with outside stem and yoke gate valve shut-offs
- **QT - with quarter turn, full port, resilient seated ball valve shut-offs
- QT-FDA - for FDA epoxy coated ball valve shut-offs
- LF - without shut-off valves

NOTE: The installation of a drain line is recommended. When installing a drain line, an air gap is necessary (see page 5). For vertical installations, an air gap should be fabricated and the direction of flow must be (down) for 2½"- 10".

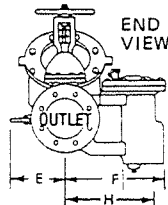
FEATURES

- Resilient Wedge gate valve shut-offs
- FDA approved epoxy coated check and relief valves (inside and out)
- Removeable bronze seats
- Stainless steel internal parts
- No special tools required for servicing

DIMENSIONS-WEIGHTS



Suffix QT for G-4000 Series Ball Valve Shut-offs



NOTE: Relief valve section is reversible; therefore, dimension "F" can be on either side. Standardly furnished as shown.

77F-D-FDA

Strainer Size	Dimensions I	J	Weight (lbs.)
2½"	9¾"	9¾"	28
3"	10"	10"	34
4"	12"	12"	60
6"	18½"	20"	150
8"	21½"	22¾"	270
10"	26"	28"	370

SIZE	DIMENSIONS (Inches)									Weight (Lbs.)	
	A	NRS	O.S.&Y.	C	D	E	F	G	H	NRS	O.S.&Y.*
2½"	41¼	11⅜	157/8	5¼	26⅞	4	9	205/8	75/8	195	198
3"	42¼	12¾	18½	5¼	26⅞	5	9	21¼	75/8	225	230
4"	55⅞	15¾	23¾	6	37	6	135/8	275/8	11¾	455	470
6"	65½	19¾	32½	6	44½	11	135/8	32¾	11¾	718	798
8"	78¾	24½	39¼	9¾	55¼	11¼	18½	393/8	163/8	1,350	1,456
10"	935/8	29¼	48	9¾	673/8	12½	18½	467/8	163/8	2,160	2,230

SIZE	QT			QT		
	A	NRS	Weight	A	NRS	Weight
2½"	41¼	6	182	5¼	26⅞	4
3"	42¼	7	190	5¼	26⅞	5
4"	55⅞	9	362	6	37	6
6"	65½	10	762	6	44½	11

MATERIALS

No. 909 sizes: 2½"-10" have FDA approved epoxy coated cast iron check valve bodies with bronze seats, and FDA approved epoxy coated cast iron relief valve with stainless steel trim. Sizes 8"- 10" 909-M1 have downsized epoxy coated cast iron relief valve. All sizes furnished with bronze body ball valve test cocks. No. 909-NRS-RW-BB for bronze body construction, sizes 2½", 3".

PRESSURE-TEMPERATURE

Suitable for supply pressure up to 175 PSI and water temperature to 110°F.

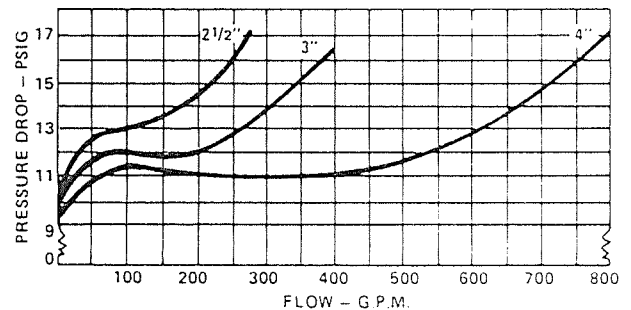
STANDARDS

Tested and certified under the following standards for reduced pressure backflow preventers; A.S.S.E. No. 1013; AWWA C506; CSA B64.4; FCCCHR of USC Manual Section 10; U.L. Classified File No. EX3185 (sizes 2½" thru 10"). Listed by IAPMO (UPC); SBCCI (Standard Plumbing Code). Consult your Watts representative or factory for other state, county or city acceptances.

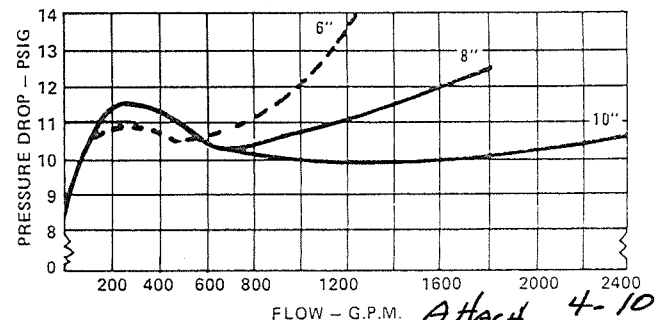


CAPACITY

No. 909 Sizes 2½" - 4"



No. 909 Sizes 6", 8", 10"



*UL/FM approved backflow preventers must include FM approved OS&Y gate valves.

**8" and 10" QT models available, contact your technical representative.

Attach 4-10



**League
of Kansas
Municipalities**

LEGAL DEPARTMENT · 112 S.W. 7TH TOPEKA, KS 66603 · TELEPHONE (913) 354-9565 · FAX (913) 354-4186

TO: House Committee on Energy and Natural Resources

FROM: Don Moler, General Counsel *Don Moler*

RE: HB 2061

DATE: January 31, 1995

First let me thank the Committee for allowing the League to appear today in opposition to HB 2061. The issue before us and contained within HB 2061 concerns cross connections and backflow prevention devices on lawn irrigation systems. This is an issue which the League and I personally have been dealing with at least since 1989 and which we thought had been adequately dealt with by the 1994 Kansas legislature.

Specifically, SB 611, which was found in Chapter 349 of the 1994 Session Laws of Kansas and which has been codified at K.S.A. Supp. 65-171y includes language which was developed by the League, Kansas Department of Health and Environment and the Kansas legislature during the 1993-1994 legislative sessions. It is the League's position that the issue has been dealt with in an adequate fashion and that this issue does not need to be raised one year after being disposed of by the legislature in SB 611.

As we have mentioned innumerable times in the past, the entire problem with the approach found in HB 2061 is the fact that the cross connections requirements, and the mandatory inspection and testing required create an unfunded state mandate on local governments providing water service. Furthermore, it presupposes that local governments will not institute their own testing procedures as they see fit for their systems. We believe it is unnecessary and unwarranted to impose an additional cost on local water service providers without any consideration of the impact on those providers. Ultimately, we believe this decision should be left to the local units of government as the legislature decided it should be during the 1994 legislative session.

Thank you very much for allowing me to appear before the Committee today.

*1/31/95
Energy & Natural Res.
#5*

HOUSE BILL No. 2041

By Committee on Energy and Natural Resources

1-10

9 AN ACT concerning oil and gas; relating to natural gas gathering systems
10 and underground storage facilities; providing for licensure and regu- , 66-104 and 66-1,200
11 lation of certain entities; amending K.S.A. 55-150 and repealing the
12 existing section.

13 concerning certain natural gas public utilities;

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

15 Section 1. K.S.A. 55-150 is hereby amended to read as follows: 55-
16 150. As used in this act unless the context requires a different meaning:

17 (a) "Commission" means the state corporation commission;

18 (b) "Contractor" means any person who acts as agent for an operator
19 as a drilling, plugging, service rig or seismograph contractor in such op-
20 erator's oil and gas, cathodic protection, gas gathering or underground
21 natural gas storage operations;

22 (c) "Fresh water" means water containing not more than 1,000 mil-
23 ligrams per liter, total dissolved solids;

24 (d) "Gas gathering system" means ~~a pipeline that transports natural~~
25 ~~gas from a central metering point for natural gas produced by one or~~
26 ~~more wells to the point of compression or entry into a sales or transmission~~
27 ~~point~~

28 (e) "Operator" means a person who is responsible for the physical
29 operation and control of a well, gas gathering system or underground
30 natural gas storage facility.

31 (f) "Person" means any natural person, partnership, governmental
32 or political subdivision, firm, association, corporation or any other legal
33 entity;

34 (g) "Rig" means any crane machine used for drilling or plugging
35 wells;

36 (h) "Usable water" means water containing not more than 10,000
37 milligrams per liter, total dissolved solids;

38 (i) "Well" means a hole drilled or recompleted for the purpose of:

- 39 (1) Producing oil or gas;
- 40 (2) injecting fluid, air or gas in the ground in connection with the
- 41 exploration for or production of oil or gas;
- 42 (3) obtaining geological information in connection with the explora-
- 43 tion for or production of oil or gas by taking cores or through seismic

natural gas pipeline system used primarily for transporting
natural gas from a wellhead, or a metering point for natural gas
produced by one or more wells, to a point of entry into a main
transmission line

1/31/95
To Energy's Natural Res
Attachment #6

1 operations;

2 (4) disposing of fluids produced in connection with the exploration
3 for or production of oil or gas; or

4 (5) providing cathodic protection to prevent corrosion to lines; or

5 (6) *injecting or withdrawing natural gas.*

6 New Sec. 2. (a) As used in this section:

7 (1) "Commission" means the state corporation commission.

8 (2) "Gas gathering services" means the gathering ~~[or preparation]~~ of
9 natural gas for transportation or distribution.

10 (3) "Person" means any natural person, partnership, governmental or
11 political subdivision, firm, association, corporation or other legal entity.

12 (b) No person performing gas gathering services for hire shall charge
13 any fee for such services, or engage in any practice in connection with
14 such services, which is unjustly or unlawfully discriminatory. Any person
15 seeking any gas gathering service who is aggrieved by reason of any such
16 unjustly or unlawfully discriminatory fee or practice may file a complaint
17 with the commission. The commission shall conduct a hearing and take
18 evidence as necessary to determine the complaint. The hearing shall be
19 conducted and notice given in accordance with the Kansas administrative
20 procedure act. Upon such hearing, the commission shall have authority
21 to order the remediation of any unjustly or unlawfully discriminatory fee
22 for gathering services, or any unjustly or unlawfully discriminatory prac-
23 tice in connection with such services, to the extent necessary for reme-
24 diation as to the aggrieved person with respect to the particular fee or
25 service involved.

26 (c) Any order of the commission pursuant to this section shall be
27 subject to review in accordance with the act for judicial review and civil
28 enforcement of agency actions.

29 ~~[Sec. 3. K.S.A. 55-150 is hereby repealed.]~~ _____

Insert sections 3-5, attached

30 Sec. ~~3~~ 4 This act shall take effect and be in force from and after its
31 publication in the statute book.

Sec. 3. K.S.A. 66-104 is hereby amended to read as follows:
66-104. ~~The term "public utility,"~~ As used in this act, ~~shall be construed to mean every,~~ "public utility" means corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages in or through any part of the state, or the conveyance of oil and gas through pipelines in or through any part of the state, ~~except pipelines less than 15 miles in length and not operated in connection with or for the general commercial supply of gas or oil~~ gas gathering systems as defined in K.S.A. 55-150 and amendments thereto, or for the operation of any trolley lines, street, electrical or motor railway doing business in any county in the state; also all dining car companies doing business within the state, and all companies for the production, transmission, delivery or furnishing of heat, light, water or power. No cooperative, cooperative society, nonprofit or mutual corporation or association which is engaged solely in furnishing telephone service to subscribers from one telephone line without owning or operating its own separate central office facilities, shall be subject to the jurisdiction and control of the commission as provided herein, except that it shall not construct or extend its facilities across or beyond the territorial boundaries of any telephone company or cooperative without first obtaining approval of the commission. As used herein, ~~the term "transmission of telephone messages" shall include~~ includes the transmission by wire or other means of any voice, data, signals or facsimile communications, including all such communications now in existence or as may be developed in the future.

~~The term "Public utility" shall also include~~ also includes that portion of every municipally owned or operated electric or gas utility located outside of and more than three miles from the corporate limits of such municipality, but nothing in this act

shall apply to a municipally owned or operated utility, or portion thereof, located within the corporate limits of such municipality or located outside of such corporate limits but within three miles thereof except as provided in K.S.A. 66-131a, and amendments thereto.

Except as herein provided, the power and authority to control and regulate all public utilities and common carriers situated and operated wholly or principally within any city or principally operated for the benefit of such city or its people, shall be vested exclusively in such city, subject only to the right to apply for relief to the corporation commission as provided in K.S.A. 66-133, and amendments thereto, and to the provisions of K.S.A. 66-131a, and amendments thereto. A transit system principally engaged in rendering local transportation service in and between contiguous cities in this and another state by means of street railway, trolley bus and motor bus lines, or any combination thereof, shall be deemed to be a public utility as that term is used in this act and, as such, shall be subject to the jurisdiction of the commission.

The term "public utility" shall not include any activity of an otherwise jurisdictional corporation, company, individual, association of persons, their trustees, lessees or receivers as to the marketing or sale of compressed natural gas for end use as motor vehicle fuel.

Sec. 4. K.S.A. 66-1,200 is hereby amended to read as follows: 66-1,200. As used in this act:

(a) "Natural gas public utility" means any public utility defined in K.S.A. 66-104, and amendments thereto, which ~~supplies~~ sells or transports natural gas.

(b) "Commission" means the state corporation commission.

Sec. 5. K.S.A. 55-150, 66-104 and 66-1,200 are hereby repealed.

Proposed Amendment to HB 2041

On page 2, add a new section to read as follows:

"Sec. __. If an operator of a gas well is determined to be liable to a royalty owner for royalties which, per unit of gas, exceed the amount which the operator receives per unit of gas, less any fees, calculated on a per unit basis and paid to for gas gathering services with respect to such gas, the person performing the gas gathering services shall be liable for reimbursing the well operator for the difference."