

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Carol Dawson, at 9:00 a.m. on February 2, 1995 in Room 521-S of the Capitol.

All members were present:

Committee staff present: Carolyn Rampey, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Arden Ensley, Revisor of Statutes  
Donna Lutjohann, Committee Secretary

Conferees appearing before the committee: Kathleen Sebelius, Kansas Insurance Commissioner  
Stephen Hurst, Director, Kansas Water Office

Others attending: See attached list

Chairman Dawson recognized Insurance Commissioner, Kathleen Sebelius, to request a bill. Ms. Sebelius requested that legislation be introduced to prohibit candidates from accepting contributions from businesses regulated by the office of the elected official. (See Attachment 1.) A motion was made by Rep. Dillon to introduce the bill. It was seconded by Rep. Long. The motion carried.

The Chairman called the Committee's attention to HB2122 regarding the definition of the word "candidate". Chairman Dawson requested Arden Ensley summarize the bill for the Committee. A motion was made by Rep. Chronister to recommend the bill be passed favorably. It was seconded by Rep. Gilbert. The motion carried.

Chairman Dawson brought the Committee's attention to HB 2123 concerning requirements on campaign brochures. She requested the bill be summarized by Arden Ensley. After summarization, Rep. Cox made a motion to recommend the bill be passed favorably. It was seconded by Rep. Tanner. Discussion on the motion took place. Rep. Nichols made a motion to amend the bill to insert the word "knowingly" in front of cause in line 21, 28 and 33. It was seconded by Rep. O'Connor. The motion carried. Rep. Dillon made a motion to recommend the bill as amended, favorably for passage. It was seconded by Rep. Chronister. The motion carried.

The Chairman called the Committee's attention to HB 2124 regarding the penalty pertaining to certain violations. Rep. Benlon made a motion to pass the bill favorably and because it was considered to be non-controversial in nature, be placed on the Consent Calendar. It was seconded by Rep. O'Connor. The motion carried.

Chairman Dawson recognized Stephen Hurst to inform the Committee of the K-GOAL review of the Kansas Water Office and Kansas Water Authority. Mr. Hurst informed the Committee of the structure of the board members and advisory committees that discuss and identify many issues for inclusion in the State Water Plan. He stated that water issues are complicated and multi-faceted and noted that as the reason why the specialized agencies were formed. Mr. Hurst informed the Committee that a Water Related Program Manual was being drafted and will be available electronically and in the library so the public can find out where to find answers to water problems. He also noted that the annual report was available at the Kansas Water Office for review. See (Attachment 2) for more information.

The Chairman brought the Committee's attention to the minutes of January 27, 1995. Rep. Benlon made a motion to approve the minutes. It was seconded by Rep. Gilbert. The motion carried. Announcements were made by the Chair and she adjourned the meeting at 10:05 a.m.

The next meeting is scheduled for Tuesday, February 7, 1995, at 9:00 a.m. in Room 521-S of the Capitol.



## HOUSE BILL No.

AN ACT concerning election campaign finance; prohibiting contributions in Insurance Commissioner elections from regulated entities.

New Section 1. (a) Except as otherwise provided in this subsection, the definitions set forth in K.S.A. 25-4143 shall be applicable to the provisions in this section. As used in this section the term:

(1) "Regulated entity" means any person who is required by law to be licensed by the Insurance Commissioner, or any person who engages in a business or profession which is regulated by the Insurance Commissioner, or any person employed by a company regulated by the Insurance Commissioner.

(b) No regulated entity and no person or political committee acting on behalf of a regulated entity shall make a contribution to or on behalf of a person holding the office of Insurance Commissioner or to on behalf of a candidate for the office of Insurance Commissioner or to or on behalf of a candidate committee of any such candidate.

(c) No person holding the office of Insurance Commissioner and no candidate for the office of Insurance Commissioner and no candidate committee of a candidate for the office of Insurance Commissioner shall knowingly solicit or accept a contribution in violation of subsection (b) of this section.

(d) Violations of this sections shall be punishable by K.S.A. 25-4181.

**Testimony of  
Stephen A. Hurst  
Director, Kansas Water Office  
Before the  
House Governmental Organization & Elections Committee  
Regarding the Kansas Water Office, the Kansas Water Authority, *Kansas Water Plan*,  
and the State Water Planning Process**

**February 2, 1995**

Thank you, Mr. Chairman, I am Stephen A. Hurst, Director of the Kansas Water Office. I also serve as Secretary for the Kansas Water Authority.

I would like to thank you and the committee for inviting me here today to visit with you briefly about the Kansas Water Office, the Kansas Water Authority, *Kansas Water Plan*, and the state water planning process we are currently addressing. The Kansas Water Office is the state's water resources planning and coordination agency, statutorily charged with formulation on a continuing basis of a state water plan for the management, conservation and development of the water resources of the state. We also act as coordinators and facilitators among the state water-related agencies. The 23-member Kansas Water Authority is comprised of 13 private citizen members and 10 ex officio members. The 13 private citizen members serve as follows: 1) appointment of the Governor (this member serves as chairperson of the Kansas Water Authority; 2) appointment of the President of the Senate; 3) appointment of the Speaker of the House of Representatives; 4) a representative of large municipal water users; 5) a representative of small municipal water users; 6) a board member of western Kansas groundwater management district; 7) a board member of central Kansas groundwater management district; 8) a member of the Kansas Association of Conservation Districts; 9) a representative of industrial water users; 10) a member of the State Association of Watershed

Districts; 11) a member with a demonstrated background and interest in water use, conservation and environmental issues; 12 and 13) two representatives of the general public. All of these citizen members are selected by the Governor from a set of three nominees each, from each of the groups I have named. The ten ex officio members are as follows: 1) the State Geologist; 2) the Chief Engineer of the Division of Water Resources of the State Dept. of Agriculture; 3) the Director of the Division of Environment of the Kansas Department of Health and Environment; 4) the Director of the Kansas Water Office (this member serves as Secretary of the Kansas Water Authority; 5) the Director of the Agricultural Experiment Station of Kansas State University; 6) the Chairman of the Kansas Corporation Commission; 7) the Secretary of the Kansas Department of Wildlife and Parks; 8) the Secretary of the Kansas Department of Commerce and Housing; 9) the Executive Director of the State Conservation Commission; and 10) the Secretary of the State Department of Agriculture.

The duties of the Kansas Water Authority include the responsibility to: 1) consult with and be advisory to the Governor, Legislature and Director of the Kansas Water Office on water management issues; 2) review plans of any state or local agency related to the water resources of the state; 3) study laws related to water resources management issues and make recommendations on such issues to the Governor and Legislature; 4) make recommendations to other state agencies and political subdivisions of the state for the coordination of their activities related to water resources management; and 5) review and furnish recommendations to the Governor and Legislature on program plans pertaining to the state's water resources of any agency of the state.

The *Kansas Water Plan* and water planning process is considered a national leader. It has been used as a model for water planning by several states including Montana, Oregon, Michigan,

Utah and New Mexico. We have recently had a visit from Texas Water Officials who are also considering using the Kansas planning process.

The Kansas water planning process is a geographic based process addressing identified water resource issues within natural hydrologic boundaries. There is a very clear trend nationwide toward this type of comprehensive watershed based management. This is due in great part to the recognition of the many benefits, both economic and environmental, that can accrue from comprehensive watershed management practices. I like to describe the key characteristics of the Kansas water planning process as follows: it is geographic based, comprehensive, coordinated and continuous in nature. The plan is comprehensive in that it has a Management Section; a Conservation Section; a Water Quality Section; a section on Fish, Wildlife and Recreation; and 12 basin planning sections that correspond to the 12 river drainage basins in the state.

The Kansas Water Office and the Kansas Water Authority pride ourselves in our grassroots, public input planning process. We have formed 12 basin advisory committees, one in each of the 12 river drainage basins of the state. We use these 12 basins as our geographic planning areas and the 132 members of the basin advisory committees, with 11 members in each basin, as our eyes and ears across the state giving us input as to basin water issues that need addressing.

Over the past 12 years, the Kansas Water Office and the Kansas Water Authority, with the advice of the basin advisory committees, have identified many issues for inclusion in the State Water Plan. Many recommendations have been made in the plan as to legislative or administrative actions needed to address these issues. Many State Water Plan recommendations have been implemented resulting in new or enhanced programs, and funding to help local communities address serious water issues across the state. We are not perfect, however, in that some issues that have been identified

through the planning process and developed into State Water Plan recommendations remain unimplemented.

One of my continuing goals as Director of the Kansas Water Office is to develop an effective implementation process as we have a planning process. One of the ways I have chosen to accomplish this goal is by providing more in the way of financial and technical assistance to local units of government across the state to empower these local units to address and resolve the water problems that have been identified in their areas. Some examples of this include the Local Environmental Protection Program that now has 94 counties participating. The LEP Program provides grants to County Health Departments to develop sanitary codes and non-point source pollution plans at the local level. We also have accomplished much in the way of providing technical assistance to water users across the state, both irrigators and municipalities, to help them develop water conservation plans and to educate users on use efficiency. Sound water management practices in combination with new irrigation technology are essential to preserve our water supplies in Western Kansas and to sustain the current economic growth in that area over time. Again, we emphasize local control in this case, by contracting with several of the Groundwater Management District's to provide technical assistance and education to irrigators within their districts. In the urban areas our technical assistance programs have assisted municipalities with leak detection and water conservation plan development to increase efficiency, to save water and money, and to prevent waste.

One of the key functions of the Kansas water planning process is the coordination of the activities of the state water-related agencies. I followed with interest your discussion at yesterday's committee meeting on the confusion with the number of water agencies. I recognize that to those who are not familiar with the complexity of water management issues, the number of agencies dealing

with water issues seems unmanageable. I would like to make a point. The fact is, water issues are extremely complicated. In fact, there is a whole body of specialized water laws dealing with complex water rights and water management issues. The fact is that water issues are complex, not because of the number of agencies dealing with them but inspite of the number of agencies dealing with them. It is because they are so complex and multifaceted, impacting so many interests, that those agencies were created, each with its own specialized areas of expertise and coordinated to avoid duplication of effort and for effectiveness through the state water planning process. The existence of these specialized agencies has the effect of breaking these complex issues down into more manageable component parts. The discussion of policy issues in a nonregulatory setting assures that the Kansas Water Office and Kansas Water Authority can maintain good working relationships across a broad political spectrum. We can work equally well with cities, industry, agricultural groups, environmental groups, contractors and other entities because the water issues impacting these groups, and discussions of policy changes needed to address these issues, are grassroots generated, and discussed in a roundtable, multiagency forum that is nonregulatory. I believe that there is great strength in the diversity of the water-related agencies in this state. Their discussions of water issues in the forum of the Kansas Water Authority where these agencies are ex-officio, nonvoting members, leads to a healthy debate of statewide water issues and policies in the light of day, from different perspectives reflecting the areas of expertise of each of the different water-related agencies. If any of you have attended a Kansas Water Authority meeting, you know that none of the ex-officio members or the regular voting members of the Kansas Water Authority are shy in going around the table and providing their unique perspective on an issue up for discussion.

The Kansas Water Office and the Kansas Water Authority are proud of our 12-year track record of success in developing our grassroots public input process for state water planning. In addition to the input from the 12 basin advisory committees, the Kansas Water Authority conducts 12 public meetings a year, one in each basin. We also conduct two public hearings for input on revisions to the State Water Plan and on new issues that have been identified. This process results in what I believe is the most open public input and public participation process of any state agency.

In 1983, the Kansas Legislature amended the Kansas Water Resources Planning Act to assure that the water planning process in Kansas was established on a continuous basis. Once plans are formulated and goals are set, the programs are implemented and operated for a period of time and ultimately the outcomes are evaluated. Information from operating experiences are used to modify and improve the plan. Thus, planning, by its nature, must be a continuous process constantly adapting to changing conditions and new information. Many states have state water plans that gather dust on a shelf. A plan set in concrete is an obstacle to effective management instead of a useful tool. I am proud that Kansas has a vital and flexible planning process that is responsive to both changing public needs and changing environmental and resource conditions.

The Kansas Water Office and Kansas Water Authority are excited about our evaluation process in which we look carefully at the effectiveness of new and ongoing programs. A recent example is our scientific evaluation of the Weather Modification Program in Western Kansas. To be honest, we did not know what we would find when we initiated the review of the cloud seeding program, and my staff's preconceived notions were fairly evenly divided with about half thinking it was "hocus pocus" and the other half thinking it would prove to have a positive impact on precipitation and hail. Well, we determined that the program had very little impact on precipitation,

but a statistically significant impact on hail reduction, reducing crop damage by some \$60 million in the twelve participating counties. As a result, the Kansas Water Authority has recommended some enhanced funding for the program based on the good evaluation.

As I mentioned earlier, the Kansas Water Office and Kansas Water Authority are very proud of our accomplishments in working with the Legislature in establishing new programs to address critical water quantity and quality issues at the local level. Many of you may be familiar with the state water marketing program in which the state markets water for municipal and industrial purposes from state owned storage in several federal reservoirs. The Kansas Water Office manages that program. Last session, the legislature appropriated \$13.6 million for the Kansas Water Office to acquire additional storage available in several reservoirs at a discounted rate, under a Memorandum of Understanding with the U.S. Department of the Army. This acquisition will provide the state with control over more of the available supplies of water residing within our borders to meet the State's future water supply needs.

Another program that had its origin in the state water planning process and that addresses public needs at the local level is the Multipurpose Small Lakes Program. The Multipurpose Small Lakes Program was created in 1985 and is the result of recommendations contained in the *Kansas Water Plan*. Concern over several issues relating to public water supply led to the creation of this program. The fact is that State owned water supply storage in the large federal reservoirs under the Marketing Program is sometimes physically too far removed from the area of need and requires a large capital investment by the State. Not only did potential customers have to repay the State's costs for owning the storage space in the federal reservoirs, but they also faced the expense of transporting

the water to their place of use. Therefore, the State Water Marketing Program did not fully or economically meet all of the state's projected municipal and industrial water supply needs.

It was recognized that good reservoir sites (large or small) are limited in Kansas. It was determined that each potential or existing site should have the opportunity of being developed to its fullest potential. Through the State Conservation Commission's watershed dam construction program, several sites had been identified for small watershed flood control lakes that could be expanded to meet local water supply needs at far less cost than the large federal lakes.

Thus, the Multipurpose Small Lakes Program was created to allow for the "add-on" features of public water supply and recreation to a watershed flood control structure. This provides for the development of a proposed small lake project to its fullest potential. The program also provides for the renovation of existing small lakes to provide additional benefits. The Kansas Water Office funds the add-on water supply capacity in an approved structure and recoups the state's costs by selling the water rights it holds for the public water supply capacity to the ultimate user. We are currently about to recoup our state costs from the City of Sabetha which amounts to \$664,000 for 81 percent of the public water supply storage space in Pony Creek Multipurpose Small Lake.

In addition to the Water Marketing and Multipurpose Small Lakes Program, legislation has been passed to:

- Establish the Non-Point Source Pollution Fund to aid local conservation districts in developing non-point source pollution plans as a part of their annual management plans.
- Establish the Assurance District Act which allows for state control of releases from federal reservoirs in which we own storage during low flow periods for the benefit of local water right holders downstream to help them meet their water rights.

This list of legislative success stories is by no means all inclusive.

The *Kansas Water Plan* is a dynamic process that is updated as new needs are identified and deemed implemented when current needs are met. The establishment of the permanent dedicated State Water Plan Fund in 1989 now allows Kansas to address needs in a timely and effective manner. Water is the most critical resource for quality of life and for economic viability in Kansas. I believe that the 12-year track record of success of the state water planning process is due in good part to a combination of the grassroots public input process, the legislature's support of the planning process, and the creative solutions developed in the forum of the Kansas Water Authority by both the voting members and by the diverse input of the various water-related agencies.

Thank you for giving me the opportunity to visit with you here today. I believe that I can speak for the Kansas Water Authority and the 132 Basin Advisory Committee members across the state when I say that we appreciate the support and confidence you have demonstrated over the years in our state water planning process. I would be pleased to stand for questions.

