

Approved: Carl Dean Holmes
Date 1-25-96

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes at 3:40 p.m. on January 17, 1996, in Room 526-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee: David L. Pope, Division of Water Resources
Bill Anderson, Water District #1, Johnson County
Chris McKenzie, League of Kansas Municipalities
Ray Haney, Environmental Water Permitting Study Team

Others attending: See attached list

Chairperson Holmes apologized for the delay in getting started and opened the meeting with the hearing on **HB 2615**.

Hearing on HB 2615: Time limits for perfection or abandonment of water right

David Pope. Mr. Pope presented information on the amendments to the Kansas Water Appropriation Act. (Attachment #1)

Bill Anderson. Mr. Anderson is opposed to Section 1 of this Act primarily because it has an inadequate period to perfect the water appropriation. A municipal utility of his size takes a long-range planning period for the engineering and designs and also in the financing of the bonds to bring the new water online. He thought the Act primarily removed the discretion of the Chief Engineer to set the perfecting period. He had no position on Section 2 of the bill. (Attachment #2)

Chris McKenzie. Mr. McKenzie echoed and reinforced what Mr. Anderson and Mr. Pope stated. He opposed the provisions in Section 1 of this bill and strongly urged the committee not to pass the bill with that section in it. He was uninformed on Section 2 but gave deference to what the Chief Engineer said about that section. (Attachment #3)

Discussion and questions followed. The Chair closed the hearing on **HB 2615**.

Briefing on SCR 1610: Expressing the legislature's appreciation to the Environmental Water Permitting Study Team for submitting initiatives to improve water permitting agencies service

Ray Haner. Mr. Haner distributed an Executive Summary (Attachment #4) and a Status Report on Implementation of Recommended Initiatives (Attachment #5) developed by the Water Permitting Study Team. He also had bound copies of the Final Report available for any members who were interested. (Copies available in the State Library) He gave a brief history and purpose of the Water Permitting Study Team. The team studied the various processes associated with water quality and quantity permits issued by Kansas agencies. They identified opportunities to significantly improve the efficiency and effectiveness of the water permitting process while ensuring sustainable quantities of good quality water.

Mr. Haner gave the Committee an overview of the things the team is working on and sought their endorsement that these are the right kind of things to be carried out. Questions and discussion followed. The Committee thanked Mr. Haner for his service on the study team as a loaned executive from the Boeing Company in Wichita. The Committee will take action on **SCR 1610** tomorrow.

Chairperson Holmes opened up the floor for Bills Adversely Reported. He reviewed the following bills from last year:

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m.. on January 17, 1996.

HB 2035-Waste tire grants, limit on amount

HB 2052-Powers of telephone and telegraph companies regarding construction and maintenance of poles and lines

HB 2067-Oil and gas; transfer of cleanup of abandoned sites to corporation commission; assessment levied for use in cleanup and establishment and expansion of certain programs

HB 2518-Disposition of proceeds from sales of sand from rivers owned by the state; cleaning and maintaining watercourses by counties

Representative Joann Freeborn moved that the committee recommend HB 2035, HB 2052, HB 2067, and HB 2518 be not passed. Representative Don Myers seconded the motion. The motion carried.

The Chair announced that the sub-committee on HB 2613 and HB 2614 will be meeting tomorrow morning at 7:30 in 527-S with two additional members. Representative Holmes and Representative Krehbiel will also be members of the sub-committee. The meeting adjourned at 5:10 p.m.

The next meeting is scheduled for January 18, 1996.

ENERGY AND NATURAL RESOURCES COMMITTEE
COMMITTEE GUEST LIST

DATE: January 17, 1996

NAME	REPRESENTING
RAY HANER	WATER PERMITTING TEAM
Cynthia Couch	Water Permitting Team
Bill Jancee	BOEING
J.C. LONG	UtiliCorp United, Inc.
R.E. Pelton	Ks. River Water Assurance
David Pope	KS Dept of Agri - DWR
Leland E. Rolfs	KS Dept of Agri - DWR
Matthew Holt	Division of the Budget
Bill Anderson	Water DIST #1 of So. Co.
ED SCHAVB	WESTERN RESOURCES INC
ALAN STEPPAT	PETE MCGILL + ASSOC.
Chris McKenzie	League of Ks. Municipalities
Michelle Peterson	Peterson Public Affairs Group
Edward R. Morris	Ks Aggregate Producers Assn

STATE OF KANSAS

BILL GRAVES, GOVERNOR
Alice A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer-Director
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KANSAS DEPARTMENT OF AGRICULTURE

TESTIMONY

TO THE

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

by

David L. Pope, Chief Engineer-Director

Presented January 17, 1996

Re: House Bill No. 2615

Good afternoon, Chairman Holmes and Members of the Committee. My name is David L. Pope and I am the Chief Engineer-Director of the Division of Water Resources, Kansas Department of Agriculture. I am happy to be here today to present information to you about House Bill No. 2615. In my capacity as Chief Engineer, I am responsible for administering the Kansas Water Appropriation Act, K.S.A. 82a-701 et. seq., which House Bill No. 2615 proposes to amend in two important areas: 1) Section 1 would modify K.S.A. 82a-713 relating to the amount of time allowed for perfecting of an appropriation. I oppose this amendment. 2) Section 2 would modify K.S.A. 82a-718, increasing from three years to five years, the number of years allowed for nonuse before a water right can be considered abandoned for nonuse, without due and sufficient cause for the non-use. I can support this amendment.

To assist in understanding the first amendment, a brief explanation of the perfection process follows:

The perfection period is the time allowed to establish a water right. It includes two components. The first is the time allowed to complete construction of the diversion works, i.e., drill and equip a well, or construct a dam so that water can be diverted and put to beneficial use. This time frame is normally limited to one full calendar year plus the balance of the year during which it is approved. Secondly, an additional 4 years is allowed to put the water to beneficial use and perfect the proposed appropriation by actual use in accordance within the terms and conditions of the permit, for a total of at least 5 years, except as noted below. An extension of either deadline is allowed for good cause. These deadlines have been historically made a condition of the permit, rather than specified in the law.

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Attach. #1
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The current language in K.S.A. 82a-713(a) provides the Chief Engineer considerable latitude in determining the time necessary to perfect a water right by allowing the Chief Engineer to establish "... a reasonable period...". The proposed language in the Bill would specifically limit the time for perfection to 5-years, and continue the Chief Engineer's authority to extend the perfection period, upon request for good cause shown by the applicant. We prefer the current language to the proposed language for the following reasons:

Historically, the Division issued permits with a condition allowing 5 years for perfection of permits for all types of uses, but typically allowed extensions of time for a total of up to 20 years, as needed, for municipal uses and up to about 10 years for most other uses, such as irrigation. K.A.R. 5-3-7 requires the permit holder to request an extension of time prior to the time the original deadline expires. A \$50.00 filing fee is also required to be filed with a request for extension of time. K.S.A. 82a-714.

Beginning in 1993, the Division determined it to be more appropriate to initially allow the full 20 years for the perfection of municipal permits so as to avoid unnecessary paperwork for extensions of time and recognize the infrastructure and financing required for such uses, along with the need to plan for long-term growth in population, etc.

While an extension of time could be allowed under this bill, this process could result in confusion, unnecessary extension requests, potential missed deadlines and conflict with the conditions of existing permits issued after July 1, 1993, that already allow different amounts of time, some up to 20 years. Retroactively reducing periods of perfection may raise some unconstitutional takings implications. We are unaware of the significance of the July 1, 1993 date.

In addition, the provision in Section 1 (b) requires the perfection time to be calculated from the date of approval of the application, which presumably means it would expire at some given time within the year. Since the quantity of water perfected is based upon a single "calendar year of record," and water use is normally reported on a calendar year basis, our current system of allowing 4 full calendar years to perfect would be changed. A permit holder could end up with 2 partial years and 3 full years to perfect.

We are unsure as to what impact Section 1 of the bill would have on the Division's historic practice set by regulations and permit conditions related to deadlines for construction of diversion works as explained above. It deletes the requirement for expeditious completion of works, or "diligence", which is an important principle of Western Water Law. If the bill is interpreted to combine the two existing deadlines (the time to construct and time to put water to use) into one perfection period of 5 years, it may allow applicants to "tie" up water in an area in all situations for at least 5 years without doing more than merely filing an application and getting a permit. Currently, water can not be tied up for more than about 2 years without actually making the investment and effort to construct the diversion works. Currently, that period can be lengthened only for good cause. This is important because approval of an earlier permit may block approval of a later application. We can and have, on some occasions, allowed up to 5 years to complete diversion works when deemed reasonable in the particular case, and others will not be harmed.

For these reasons, I oppose the amendment to 82a-713 in Section 1. Perhaps if I better understood the "problem" to be fixed, I could help solve it administratively or suggest an acceptable amendment.

Abandonment

The proposed modification to K.S.A. 82a-718 would increase the number of successive years of non-use which would constitute abandonment of the water right from 3 to 5 years, if there is not due and sufficient cause for the non-use.

While one can argue the merits of this issue, as a practical matter, very few water rights, if any, have ever been declared abandoned after only 3 successive years of non-use. The Division has typically concentrated on water rights of record where the period of non-use is longer. Limited staff time is available to deal with this issue and hold the time consuming hearings required. We have also tried to balance the sometimes competing goals of water conservation with the protection of the rights of other water right holders or applicants that would benefit, if a given right is declared abandoned.

Section 2(c) is somewhat unclear. We are uncertain whether "any water right abandoned before the effective date of this act" refers to: (a) any water right actually abandoned by meeting the statutory criteria but which has not been formally declared abandoned after a hearing, or (b) only those water rights formally declared abandoned and terminated by the Chief Engineer prior to the effective date of this Act if passed. For clarity, I would suggest the latter and request that you amend the bill by inserting the word "declared" before "abandoned" in line 39 and the words "and terminated by the chief engineer" after "abandoned" in the same line.

For these reasons, and to remove some uncertainty about the status of existing water rights, I can support this amendment with the clarification suggested above.

Conclusion

I would support HB 2615, if Section 1 is eliminated or perhaps modified to address the concerns I have outlined.

Thank you for the opportunity to appear. I would be happy to answer questions at the appropriate time.

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

HOUSE BILL 2615

Presented at the House Energy and Natural Resources Committee Hearing On
January 17, 1996

Water District No. 1 of Johnson County is opposed to Section 1 of House Bill 2615. The bill under consideration by this Committee proposes a significant change to a statute which has not been amended since 1945. This bill seeks to take away the discretion of the Chief Engineer to determine the appropriate period for perfection of all water appropriation approvals since July 1, 1993. This bill would require a mandatory, retroactive modification of previously approved appropriation permits, which in itself is very unusual. Additionally, the bill seeks to impose a blanket rule and does not acknowledge the different types of water appropriation permits that will be subject to this change including domestic, municipal, irrigation, industrial, recreational and water power uses. Different types of water appropriations require different periods for perfection.

Water District No. 1 currently serves approximately 300,000 individual and business customers throughout Johnson County and small portions of southern Wyandotte and northern Miami County. Over the past several years, Water District No. 1 has experienced substantial increases in water supply demand, and it appears that similar increases will continue in the future. These demand increases require significant long range planning to insure that adequate water diversion, treatment and distribution systems will be in place when needed.

ENR
Attach. #2
1-17-96

Long range planning for water appropriation rights is required as well. The five year perfection period proposed by this bill is not adequate for municipal water rights.

Traditionally, the Division^{of} Water Resources has allowed municipal water utilities to acquire sufficient appropriation rights to anticipate future needs for a period of twenty (20) years. The usual perfection period allowed for these types of water rights has also been twenty (20) years from the date of the approval of the appropriation, with the condition that the utility provide a report of the perfection progress ten (10) years from the date of the approval. Additionally, municipal water utilities are required to submit annual water use reports to the Division Water Resources. Water District No. 1 believes this system is appropriate, and should not be modified without cause.

Water District No. 1 therefore opposes the bill under consideration for three (3) reasons:

- 1) It would remove the discretion from the Chief Engineer to determine the appropriate perfection period for various water rights. To date, there is no evidence that the Chief Engineer has exercised the discretion to administer the appropriation perfection process, which he has held for more than fifty (50) years, in a unreasonable or inappropriate manner;
- 2) The mandatory five (5) year perfection period fails to acknowledge the different types of water appropriations that may be approved throughout the state, and does not provide sufficient time to allow long range planning that is necessary for municipal water utilities;
- 3) The retroactive effect of the bill has a potential to modify and disturb water appropriation approvals previously issued by the Chief Engineer.

Water District No. 1 has no position on Section 2 of the bill concerning the appropriate duration for water right abandonment, and leaves the determination of that issue to the Division Water Resources and the Chief Engineer.



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 300 S.W. 8TH TOPEKA, KS 66603-3896 (913) 354-9565 FAX (913) 354-4186

TO: HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
FROM: Chris McKenzie, Executive Director *CM*
DATE: January 17, 1996
SUBJECT: HB 2615

Thank you for the opportunity to appear today and offer some comments concerning HB 2615. The League of Kansas Municipalities has represented Kansas cities before the legislature for 85 years. During that time the legislature has enacted the water appropriation act, setting basic rules for the use of water applicable to municipal and other uses.

In administering the water appropriation act over the years, the Chief Engineer has generally allowed cities a reasonable period of time (in some cases up to 20 years) to perfect their appropriation rights, based on the fact that full development of a right for municipal use requires substantial public investment in the diversion and treatment facilities. Many times this is done through the issuance of general obligation or revenue bonds which are retired over a 15 to 20 year period.

The chief engineer's practice also recognizes the provisions of K.S.A. 82a709(h) which requires each application for municipal water supply to "...give the present population to be served and estimated future requirements of the city." Projections of future requirements are not necessary for a relatively short time frame.

Secondly, we believe allowing cities a reasonable period of time to perfect their water rights carries out the intent of the provisions of paragraph (b) of K.S.A. 82a-707, which provides :

(b) Where uses of water for different purposes conflict, such uses shall conform to the following order of preference: Domestic, **municipal**, irrigation, industrial, recreational and water power uses...

This section certainly does not overrule the "first in time, first in right" principle on which our appropriation doctrine of water law is based, but it underscores the importance of allowing adequate time to perfect an appropriation right for municipal use. While the language in Section 1 of this bill would appear to create an opportunity for extension of the time period to perfect water rights, experiences of cities only a few years ago with a similar administrative practice in the Division of Water Resources indicates that many municipal water rights will be lost simply through innocent oversight. The Chief Engineer has now abandoned this policy, and we would respectfully advise against reinstating it by statute.

I will not comment in writing on the proposal in Section 2 of the bill to increase the allowable time period before a right is deemed abandoned since we do not yet have information concerning its possible effects.

RECOMMENDATION: The League respectfully recommends that HB 2615 not be approved by the Committee.

President: John Divine, Mayor, Salina * **Vice President:** Ralph T. Goodnight, Mayor, Lakin * **Past President:** Harry L. Felker, Mayor, Topeka * **Directors:** Donald L. Anderson, Mayor, Lindsborg * Chris Cherches, City Manager, Wichita * Yvonne Coon, City Administrator, Clearwater * Ed Eilert, Mayor, Overland Park * Rod Franz, Finance Director, Salina * John Golden, Commissioner, Goodland * Richard Jackson, Commissioner, Ottawa * Carol Marinovich, Mayor, Kansas City * Tom Martin, Mayor, Dodge City * Marguerite Strange, Commissioner, Leavenworth * Melvin Williams, Councilmember, Mission * John Zutavern, Commissioner, Abilene * **Executive Director:** Christopher K. McKenzie

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1-17-96*

EXECUTIVE SUMMARY

- AREA STUDIED** The Water Permitting Team studied the various processes associated with water quality and quantity permits issued by Kansas agencies.
- SHARED VISION** To develop a customer focused approach improving the efficiency and effectiveness of the environmental water permitting process, while ensuring sustainable quantities of good quality water.
- MISSION STATEMENT** To identify opportunities to improve significantly the efficiency and effectiveness of the water permitting processes.
- STATEMENT OF FINDINGS** The Water Permitting Team has identified several areas that can significantly improve the various water quality and quantity permit processes. The following represents a summary of the key findings, recommendations, and observations resulting from the facts and data gathered during this study:
- The issue of improving water permitting processes is not unique to the State of Kansas. The existing Kansas water permitting processes are far better than most programs of other states evaluated during the study. Several of the states contacted expressed an interest in obtaining the Water Permitting Team's recommendations.
 - Kansas water permitting agencies currently use informal information sharing meetings to coordinate their efforts and to improve customer service. The agencies work extremely well together and have shared goals.
 - A ready-made solution to improving the water permitting process does not exist.
 - Each of the Kansas agencies involved in water permitting can further improve their processes.
 - Eighteen Quick Hit and twenty-four Major Initiatives have been identified to improve the water permitting processes. (See "Recommendations" section of report.) Implementation of the Quick Hit and Major Initiatives would provide a user-friendly water permitting process and place the State of Kansas in a leadership position among its peers.

- A level of preferred performance should be established for each water permitting process, with each agency receiving sufficient resources to perform the requirements.
- The existing budget process penalizes agencies by not allowing them to use savings to reinvest in process improvements. Incentive programs must be implemented to encourage continuous improvement by the agencies. This would allow agencies to keep pace with customer service needs and natural resource management.
- The Water Permitting Team should transition into a Water Permitting Implementation Team to ensure implementation of the Quick Hit and Major initiatives.
- The frequency of the failure to apply for and obtain required water permits may be extremely high. If everyone who needs a water permit applies for one, the flow times for processing water permits or applications would deteriorate if the existing processes remain unchanged.
- Violations of water permit requirements raise fairness problems and will, in the long run, interfere with economic development and community growth. A team should be formed to study compliance issues.
- The majority of the 1993 water permit applicants who responded to the survey performed by the Water Permitting Team were satisfied with existing water permit application processes. One third of the applicants who responded expressed dissatisfaction with various aspects of the water permit application process, including the length of time required to process the permits.
- The Legislature should convert the Water Permitting Team's recommendations into a water permitting improvement bill to ensure the implementation of adopted initiatives, to continue annual agency process improvements, and to initiate a discussion of preferred performance levels and related resources. In addition, the bill should endorse Kansas quality improvement and encourage the use of cross-functional study teams in the continuous improvement process.

Cost Savings

Implementation of the Water Permitting Team recommendations will result in cost savings for the State of Kansas, private industry, individuals and communities. The investments in water permitting improvements such as information management, collocation of permitting activities, and development of user-friendly education and application materials will ultimately increase both the efficiency and cost-effectiveness of the State's water-related programs. The Water Permitting Team intends to review the costs and benefits for each of its recommendations as the implementation phase of this project progresses. Additionally, the Water Permitting Team made every effort to address the hidden costs (start-up delays, disruption, and miscommunication) that result from an inefficient, difficult, and time-consuming permitting process.

Economic Development Problems Related to Noncompliance

The water-related programs of the State of Kansas are intended to address two concerns: protection of human health and environmental well-being, and the prudent, equitable management of resources. The Water Permitting Team did not address the issue of noncompliance due to the fact that it was outside the Water Permitting Team's charter. The Water Permitting Team believes that the issue is a serious problem and recommends that the Steering Committee assign a study team to address water quality and quantity issues that may impair or jeopardize economic development.

The Single Water Permitting Agency Concept

The Water Permitting Team did not attempt to address the issue of organizational structure within or among the water permitting agencies. Specific instructions were given to the team leaders during the orientation provided by the Department of Administration to evaluate water permitting processes and not to evaluate programs.

Pay-As-You-Go Permitting Fees

The Water Permitting Team recommends that permit fees be set at a level sufficient to recover the costs of efficient and effective permitting programs. In many Kansas water permitting programs, no fee is charged, or the fees charged are well below the State's cost for processing the permit application. Setting fees at a level which covers program costs ensures the elimination of subsidies and frees up much needed State General Funds for other purposes. By the same token, permitting agencies must demonstrate to the regulated community that the permit fees support efficient and effective permitting programs.

Senate Concurrent Resolution No. 1610

By Committee on Energy and Natural Resources

2-24

9 A CONCURRENT RESOLUTION expressing the legislature's appreciation to the Steering Committee to Reinvent Kansas Government, Environmental Water Permitting Study Team for its effort to improve water permitting agencies service and requesting further cooperation between water permitting agencies and the study team.

15 WHEREAS, The Steering Committee to Reinvent Kansas Government has provided the legislature with a thorough and excellent briefing on its study report "Environmental Water Permitting" through the study team appointed by the Steering Committee; and

19 WHEREAS, The study team was comprised of both members of the public receiving environmental water permits and agency heads responsible for the issuance of environmental water permits; and

22 WHEREAS, The study team solicited additional input from the public receiving environmental water permits through both mail and telephone surveys; and

25 WHEREAS, The resulting study report "Environmental Water Permitting" contains 18 "quick hit" initiatives and 24 long range initiatives requiring a long term commitment to improving the manner in which the residents of the State of Kansas are served by water permitting agencies; and

30 WHEREAS, There has been a long standing perception among the legislature and the residents of the State of Kansas that improvements in environmental water permitting are necessary for the public to receive an acceptable level of service by the water permitting agencies: Now, therefore,

35 *Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the legislature expresses its appreciation to the Environmental Water Permitting Study Team for its effort to develop a comprehensive plan for improving the manner in which environmental water permits are issued and renewed; and

40 *Be it further resolved:* That the legislature endorses the concepts for improvement in environmental water permitting contained in the study report; and

43 *Be it further resolved:* That the legislature endorses the transition of

1 the Water Permitting Study Team into the Water Permitting Implementation Team to coordinate and track the implementation of the recommended initiatives; and

4 *Be it further resolved:* That the legislature endorses the concept of utilizing electronically transmitted documents in the water permitting process to improve process efficiency and decrease processing time; and

7 *Be it further resolved:* That the legislature requests the state agencies which are authorized to manage the environmental water permitting process, in conjunction with the Water Permitting Implementation Team, to create a "Water Permit Database" to be shared by the state agencies; and

12 *Be it further resolved:* That the legislature requests the Water Permitting Implementation Team, in conjunction with the state agencies, to form a "Water Database Policy Board" to develop uniform policies relating to the Water Permit Database; and

16 *Be it further resolved:* That the legislature requests the Water Permitting Implementation Team, in conjunction with the state agencies, to submit to the legislature any bills, resolutions or requests for appropriations designed to implement the various segments of the study report as submitted by the Steering Committee to Reinvent Kansas Government.

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Reinventing Kansas Government
WATER PERMITTING IMPLEMENTATION TEAM

STATUS REPORT
ON
IMPLEMENTATION OF RECOMMENDED INITIATIVES

Revised: January 16, 1996

Reinventing Kansas Government - Water Permitting Implementation Team
STATUS REPORT SUMMARY
 Revised: January 16, 1996

		QUICK HIT INITIATIVES	MAJOR INITIATIVES	TOTALS	PERCENTAGE
COMPLETED		10	1	11	26%
IN PROGRESS		6	10	16	38%
NO PROGRESS TO DATE	PHASE I	2	1	3	7%
	PHASE II		5	5	12%
	PHASE III		5	5	12%
ON HOLD			2	2	5%
TOTALS		18	24	42	100%

Reinventing Kansas Government - Water Permitting Implementation Team
STATUS OF QUICK-HIT INITIATIVES
 Revised: January 16, 1996

5-3

No.	Initiatives	Status	Time Required for Implementation	Cost or Savings	Benefits
Q-01	The Water Permitting Team should become a Water Permitting Implementation Team to monitor and facilitate initiative implementation.	COMPLETED: Upon authorization of RKG Steering Committee and endorsement by Graves administration, the Water Permit Team has evolved into an implementation team and has been working with the water-related agencies on implementing its recommendations.	0-6 months	N/A	To facilitate and coordinate implementation of recommended initiatives.
Q-02	Agencies should track the status of permits and permit applications in sufficient detail to pinpoint the cause of process problems so appropriate remedial action can be taken.	COMPLETED: A basic tracking system requirement list was developed, using the Division of Water Resources' tracking system as a model. A general flow chart was also developed. The tracking system requirement list and flow chart were sent to each agency for its use in developing a tracking system for each permit. Tracking systems are in place. Agencies will continue to report success of systems throughout 1995 and 1996.	6 months	Cost: Within existing budget	To improve permit processing and customer communications.
Q-03	Agencies should develop a process to deal with water permit applications that fall into the "exceptional" or "non-standard" category.	COMPLETED: Implementation complete. Evaluation stage still ongoing for several permits.	0-6 months	Cost: Within existing budget	To improve customer service, reduce process flow times, and reduce customer costs.
Q-04	Agencies should review the application renewal processes and frequencies to ascertain their appropriateness and efficiency.	IN PROGRESS: Completed with exception of one permit. Anticipated completion date of July, 1996.	0-6 month	Cost: Within existing budget	To improve customer service, reduce process flow times, and reduce customer costs.

Reinventing Kansas Government - Water Permitting Implementation Team
STATUS OF QUICK-HIT INITIATIVES
 Revised: January 16, 1996

5-4

No.	Initiatives	Status	Time Required for Implementation	Cost or Savings	Benefits
Q-05	Agencies should continue with and expand on their partnerships with water-related groups to educate applicants and facilitate the water permit application process. Agencies should encourage the use of field staff, industry groups, trade and business organizations, and consultants in assisting applicants in the completion of forms and permit application requirements.	IN PROGRESS: Initiative completed by several agencies.	0-6 months	Cost: Within existing budget	To improve customer service and reduce process flow times.
Q-06	Agencies should conduct their own customer satisfaction surveys.	IN PROGRESS: Initiative completed by several agencies.	0-6 months	Cost: Within existing budget	To improve customer service.
Q-07	Water Permitting Implementation Team should perform additional study of how water permitting agencies are applying the Kansas Environmental Coordination Act and the Kansas Administrative Procedure Act requirements to the water permitting processes to determine where permitting process time can be reduced.	COMPLETED: A questionnaire on how agencies apply provisions and the ECA and KAPA was developed and sent to water-related agency counsel. The questionnaires were completed and returned. Upon review of the responses, it was determined that the application of provisions of the ECA and KAPA does not unduly prolong the process of issuing water-related permits. No further action on this subject was deemed necessary.	0-6 months	N/A	To improve customer service, reduce process flow times, and reduce customer costs.
Q-08	Water Permitting Implementation Team should conduct a study to determine the feasibility of creating an Alternative Dispute Resolution board to assist in dealing with contested water permitting matters.	IN PROGRESS: Research was performed on existing Kansas law regarding alternative dispute resolution, and also on ADR systems utilized by other states. The existing Kansas ADR statute permits agencies to defer matters to an ADR Board. Additional review and evaluation is currently being performed.	0-6 months	N/A	To improve customer service and reduce process flow times.

Reinventing Kansas Government - Water Permitting Implementation Team
STATUS OF QUICK-HIT INITIATIVES
 Revised: January 16, 1996

5-5

No.	Initiatives	Status	Time Required for Implementation	Cost or Savings	Benefits
Q-09	Agencies should maintain accurate telephone numbers and applicant contact information (including the contact's position) on application forms and in computer databases.	IN PROGRESS: Initiative completed by several agencies.	0-6 months	Cost: Within existing budget	To improve customer service and reduce process flow times.
Q-10	Water Permitting Implementation Team should appoint a sub-committee to study the twenty additional permits and licenses identified through the research performed.	COMPLETED: A review was performed of the additional permits and three additional permits were determined to fall within the scope of the team's study. Information was obtained from the issuing agencies and incorporated into the study materials and implementation plans for permit-specific initiatives.	0-6 months	N/A	To improve customer service, reduce process flow times, and reduce customer costs.
Q-11	Water Permitting Implementation Team and Management of Information Systems Team should perform additional study on the legal issues which may impact the implementation of a shared database by water permitting agencies.	COMPLETED: A review was performed regarding the legal issues surrounding the sharing of data between agencies via a water permit network and database. It was determined that no legislative changes would be required in order to create and maintain the recommended system. No further action was deemed necessary.	0-6 months	N/A	To improve customer service, reduce process flow times, and reduce customer costs.
Q-12	Agencies should update and distribute the "Kansas Water-Related Programs Manual" to state, federal and local agencies involved in water management and environmental permitting for use as a reference tool.	IN PROGRESS: Document currently under review. Anticipated completion date of January 31, 1996.	6 months	Cost: Approximately \$2,000 for printing and distribution of approximately 1,000 copies. Cost to be shared by agencies.	To provide a user-friendly cross reference tool (agency to agency).

Reinventing Kansas Government - Water Permitting Implementation Team
STATUS OF QUICK-HIT INITIATIVES
 Revised: January 16, 1996

5-6

No.	Initiatives	Status	Time Required for Implementation	Cost or Savings	Benefits
Q-13	Steering Committee should consider sending a copy of the Water Permitting Team final report to legislators to underscore the importance, complexity, timing, and Water Permitting Team discussion of water permitting in Kansas. Steering Committee should authorize the Water Permitting Team to present its findings to the House and Senate Natural Resource Committees and the new administration.	COMPLETED: Copies of the Water Permitting Team's final report were sent to all legislators. In addition, presentations were made to the Senate Committee on Energy and Natural Resources, the Kansas Water Authority, the Basin Advisory Committees, and several other water-related interest groups.	0-6 months	N/A	To educate and inform legislators and to gain support for implementation of the Water Permitting Team recommendations
Q-14	Steering Committee should distribute the laws/regulations matrix to agencies as a water permit reference tool.	No progress to date.	0-6 months	Cost: Minimal	To improve customer service and interagency communications, and reduce process flow times.
Q-15	Agencies should provide a modified version of the laws/regulations matrix to customers as an application reference tool.	No progress to date.	6 months	Cost: Minimal	To improve customer service and reduce process flow times.
Q-16	Steering Committee should provide the standardized work plan and process flowchart to any future teams working on improving permitting processes.	COMPLETED: A standardized work plan and process flow chart were developed and provided to the RKG Steering Committee for distribution to future study teams. No further action is deemed necessary.	0-6 months	N/A	To assist future study teams in outlining team work plans, reduce start-up times, and determine team process flow requirements.
Q-17	Steering Committee should provide sufficient time to future Reinventing Kansas Government study teams to allow for adequate statistical and fiscal analysis.	COMPLETED: The RKG Steering Committee received this recommendation in the Water Permitting Team's final report. No further action is deemed necessary.	0-6 months	N/A	To improve data and decision-making process.

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No.	Initiatives	Status	Time Required for Implementation	Cost or Savings	Benefits
Q-18	Steering Committee should provide any parties interested in attending or participating in future Reinventing Kansas Government study teams with a copy of the legal opinion prepared by the Department of Administration's legal counsel.	COMPLETED: Copies of the legal opinion were provided to parties who had expressed an interest in attending meetings of the Water Permitting Team. No further action is deemed necessary.	0-6 months	N/A	To avoid repetition and duplication of legal analysis by future Reinventing Kansas Government study teams.

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No.	Initiatives	Status	Time Required for Implementation	Cost or Savings	Benefits
M-1	Legislature should provide agencies with sufficient resources to reduce backlogs of pending applications and to attain the desired level of services.	ON HOLD: Due to budgetary constraints.	6 months to 1 year	Cost: To be developed by agencies	To improve customer service, reduce process flow times, and reduce customer costs.
M-2	Agencies should review all existing and new permit application forms for clarity, requests for redundant or unnecessary information, and possibilities for consolidation of forms within the respective permit programs. This review should include customer input. Forms should be revised as needed to include clear instructions and definitions, and a process for the collection of old and out-of-date forms should be developed.	IN PROGRESS: Permit review priorities established; permit review checklist prepared; and letters to agencies prepared. Checklist distributed to agencies. Method of retrieving out-of-date forms needs to be devised partially completed.	1-3 years	Cost: Within existing budget	To improve customer service, reduce process flow times, and reduce customer costs.
M-3	Legislature should place the water permitting process on a "pay as you go" basis to allow agencies to recover their costs from the program and to fund future improvements.	IN PROGRESS: An effort was made during 1995 to obtain a legally-mandated fee on water structure permits; however, this effort was unsuccessful.	1-3 years	Cost: Increased cost to applicants Savings: Reduced demand on State's general fund	To reduce cost to general taxpayers and to improve customer service.
M-4	Agencies should establish a consumer information office(s) for facilitation and coordination of the water permit application process to provide a more customer-friendly approach to information dissemination and to help improve coordination of multiple permit issuance situations. In addition to an office in Topeka, each permitting agency's field offices should have similar capabilities at the local level.	IN PROGRESS: KWO is in the process of establishing a 1-800 telephone number on water quality programs, in addition to establishing access to information on programs via the Internet.	1-3 years	Cost: Staff and facilities - \$350,000 to \$500,000 for 7-10 offices.	To improve customer service, reduce process flow times, and reduce customer costs.

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No.	Initiatives	Status	Time Required for Implementation	Cost or Savings	Benefits
M-5	Agencies should develop and implement a pre-application planning process for customer assistance.	Phase II Initiative.	6-18 months	Cost: Within existing budget	To improve customer service, improve interagency communications, reduce process flow times, and reduce customer costs.
M-6	Agencies should study feasibility of developing "short-form" applications for low-impact water permits.	Phase II Initiative.	6-12 months	Cost: Within existing budget	To improve customer service, reduce process flow times, and reduce customer costs.
M-7	Agencies should develop technical specifications and outreach materials so that agency staff can clearly communicate technical review requirements to applicants.	Phase II Initiative.	6-12 months	Cost: Within existing budget	To improve customer service and reduce process flow times.
M-8	Agencies should physically collocate their water permitting and approval activities.	<p>IN PROGRESS: Agency field offices identified and map displaying all agency offices created. Agencies with office in Chanute contacted re retaining collocated office. Expiration and/or renewal dates of lease agreements in process of being obtained.</p> <p>Agencies will develop phased implementation plan for collocation of offices and will identify costs involved.</p>	1-5 years	<p>Cost: Physically moving agencies</p> <p>Savings: Operational efficiencies and savings for regulated community</p>	To enhance implementation of consumer information office(s), reduce costs through operational efficiencies, and reduce costs to regulated community.
M-9	Agencies should concentrate on improving water permit application process flow times.	Phase III Initiative	Ongoing	Cost: Within existing budget and dependent on implementation of Water Permitting Team recommendations	To improve customer service, reduce process flow times, and reduce customer costs.

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No.	Initiatives	Status	Time Required for Implementation	Cost or Savings	Benefits
M-10	Agencies should review the application renewal processes and frequencies to ascertain their appropriateness and efficiency.	No progress to date.	6-24 months	Cost: Within existing budget	To improve customer service, reduce process flow times, and reduce customer costs.
M-11	Agencies should develop and utilize standardized legal descriptions and site location designations on all water permits.	Phase III Initiative	6-12 months	Cost: Within existing budget	To improve customer service.
M-12	Agencies should develop standardized technical specifications for water permits where the technical complexity of the designs is relatively low.	Phase III Initiative	6-12 months	Cost: Within existing budget	To improve customer service and reduce process flow times.
M-13	Legislature should pass specific legislation authorizing the use of electronically transmitted documents (including signatures) involved in obtaining a water permit.	COMPLETED: Additional research was performed and it was determined that utilizing electronically transmitted documents is already within the discretion of the agencies; therefore no legislative changes are necessary.	1995 Session	N/A	To improve customer service, reduce process flow times, and reduce customer costs.
M-14	Governor should require that all of the water permitting agencies' computer technology be made compatible so that information can be readily shared between the agencies.	IN PROGRESS: Task force has been established which is looking at state agency systems.	1-3 years	Cost: Major budget impact which requires further study Savings: Elimination of duplicated systems	To improve customer service, improve interagency communications, reduce process flow times, and reduce customer costs.

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No.	Initiatives	Status	Time Required for Implementation	Cost or Savings	Benefits
M-15	Agencies should develop a consolidated electronic water permit application network which is accessible in field offices.	<p>IN PROGRESS: Relevant agencies and permits identified. Automated systems vision statement developed. Agencies polled for current computer equipment and capabilities. Subcommittee set up consisting of technical and permit program representatives from each water-permitting agency to evaluate system requirements. Permit tracking software identified.</p> <p>Subcommittee will evaluate hardware and software requirements for system.</p>	1-3 years	Cost: Major budget impact - further study required	To improve customer service, reduce process flow times, and reduce customer costs.
M-16	Legislature should, through legislation or resolution: (a) encourage the creation of a "water permit database" to be shared by water permitting agencies; (b) encourage the creation of a water permit database "policy board"; and (c) address liability and confidentiality issues.	<p>IN PROGRESS: Senate passed concurrent resolution relating to WPT recommendations during 1995 session. Resolution to go to House Energy and Natural Resources Committee during 1996 session.</p>	1995 Session	Cost: Within existing budget	To improve customer service, reduce process flow times, and reduce customer costs.
M-17	Agencies should provide, or arrange to provide, local assistance to the applicant so that applications for water permits can be initiated electronically, i.e., computer access with self-help instructions or data entry assistants.	Phase II Initiative.	1-3 years	Cost: Included in costs of establishing water permitting network and consumer information office(s)	To improve customer service, reduce process flow times, and reduce customer costs.
M-18	Policy Board, if established, should develop uniform policies relating to issues such as the cost of creation and sharing data, fees for users, responsibility for maintenance and updating of the data, accuracy, format, security, access, procedures and rules for users.	<p>ON HOLD: Need has as yet to be determined. Anticipated completion by the end of June, 1996.</p>	1995 Session	Cost: Within existing budget	To improve customer service, reduce process flow times, and reduce customer costs.

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No.	Initiatives	Status	Time Required for Implementation	Cost or Savings	Benefits
M-19	Agencies should utilize electronic data processing to complete as much information as possible on water permit renewal forms prior to submission to customer for completion or amendment.	Phase III Initiative.	0-12 months	Cost: Within existing budget	To improve customer service, reduce process flow times, and reduce customer costs.
M-20	Agencies should utilize E-Mail as a means of communicating to avoid the inevitable telephone tag which results from relying on personal contact.	IN PROGRESS: Due to advent of agency use of Internet, this initiative is in the process of being evaluated.	1-2 years	Cost: Within existing budget	To improve customer service, improve interagency communications, reduce process flow times, and reduce customer costs.
M-21	Agencies should develop and provide educational guides and permit matrices to customers to eliminate confusion regarding: where to start, knowing when the process is complete, and why the permit is required.	IN PROGRESS: KDHE has prepared two different brochures and made limited distribution of same. KDWP has published brochure on Threatened and Endangered Species in Kansas.	6 months (publish concurrently with Item #22)	Cost: Within existing budget	To improve customer service, reduce process flow times, and reduce customer costs.
M-22	Agencies should develop and distribute a modified version of the "Kansas Water-Related Programs Manual," reformatted to reflect subjects and projects rather than agency programs, for use by water permit customers.	IN PROGRESS: Document currently under revision. Document may be incorporated into KWO's home page on the Internet.	6 months	Cost: \$10,000 for printing and distributing approximately 5,000 copies.	To provide a user-friendly cross-reference tool (agency to public).
M-23	Kansas Water Office should coordinate development of educational programs for K-12 and adults on reasons for water quality and quantity permitting.	Phase II Initiative.	Ongoing	Cost: Within existing budget	To educate and inform public about need for water permitting and to improve customer service.
M-24	Agencies should utilize interactive television for outreach, public hearings and training, and to connect remote offices to each other and the central location.	Phase III Initiative.	Phased Implementation 1-15 years	Cost: Within existing budget	To improve customer service, improve interagency communications, reduce process flow times, and reduce customer costs.