

Approved: 3-17-98
Date

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Vice-Chairperson Joann Freeborn at 3:30 p.m. on February 19, 1998 in Room 526-S of the Capitol.

All members were present except: Rep. Steve Lloyd - excused
Rep. David Huff - excused

Committee staff present: Raney Gilliland, Legislative Research Department
Hank Avila, Legislative Research Department
Mary Torrence, Revisor of Statutes
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Al LeDoux, Director, Kansas Water Office, 109 SW 9th, Suite 300, Topeka, KS 66612-1249

Others attending: See attached list

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She opened **HB2868** for discussion and possible action.

HB2868: An act concerning wildlife; relating to certain big game permits and tags; amending K.S.A. 1997 Supp. 32-937 and repealing the existing section.

Rep. Dan Johnson made a motion **HB2868** be passed favorably and placed on the consent calendar. Rep. Tom Sloan seconded the motion. Motion carried.

Rep. Dan Johnson will carry bill on the House floor if pulled from the consent calendar.

The Chairperson opened **HB2881** for discussion and possible action.

HB2881: An act concerning groundwater management districts; relating to assessments to finance district operations; amending K.S.A. 82a-1030 and repealing the existing section.

Rep. Tom Sloan made a motion to change line 35, page 1, strike June and insert April. Rep. Kent Glasscock seconded the motion. Motion carried.

Rep. Tom Sloan made a motion to pass **HB2881** as amended. Rep. Richard Alldritt seconded the motion. Motion carried.

Rep. Richard Alldritt will carry bill on the House floor.

Chairperson Freeborn opened **SB476** and **SB477** for public hearing.

SB476: An act repealing K.S.A. 82a-1369, 82a-1375 and 82a-1376; relating to acquisition of certain water supply storage capacity.

SB477: An act concerning officers and employees of the Kansas water office; amending K.S.A. 74-2614 and repealing the existing section; also repealing K.S.A. 74-2614a.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 526-S Statehouse, at 3:30 p.m. on February 19, 1998.

The Chairperson welcomed Al LeDoux, Director, Kansas Water Office. Mr. LeDoux appeared before the committee in support of the two bills. (See attachment 1) SB476 - These statutes all deal with the 1985 Memorandum of Understanding, between the State of Kansas and the U.S. Army Corps of Engineers, providing for purchase of water supply storage in certain federal reservoirs. The purchases under the Memorandum of Understanding were funded by the legislature in the 1994 session, completed June 30, 1996, these statutes are therefore no longer necessary. SB477 - These statutes refer to the employees of the Kansas Water Office as being in the Unclassified Service of the Kansas Civil Service Act. This is incorrect. A Kansas Supreme Court decision found the statutes unconstitutional. At present all employees of the Kansas Water Office, except the Director, are in the classified service. Senate Bill 477 would clarify the statutes. Questions and discussion followed.

Rep. Becky Hutchins made a motion to pass SB476 and place on the consent calendar. Rep. Tom Sloan seconded the motion. Motion carried.

Rep. Marti Crow made a motion to pass SB477 and place on the consent calendar. Rep. Kent Glasscock seconded the motion. Motion carried.

Rep. Marti Crow will carry SB476 and SB477 on the House floor if taken off the consent calendar.

Chairperson Freeborn announced that she had received a Memorandum from Cathy Tucker-Vogal, Kansas Water Office, concerning HB2925, regarding the definition of the ordinary high water mark. (See attachment 2) This memorandum was distributed to committee members.

The meeting adjourned at 3:55 p.m.

The next meeting is scheduled for February 23, 1998.

STATE OF KANSAS



Bill Graves, Governor

KANSAS WATER OFFICE
Al LeDoux
Director

Suite 300
109 SW Ninth
Topeka, Kansas 66612-1249

**Testimony of Al LeDoux, Director
Kansas Water Office
Before the
House Environment Committee
Regarding Senate Bills 476 and 477
February 19, 1998**

785-296-3185
FAX 785-296-0878
TTY 785-296-6604

Ms. Chairperson, members of the Committee, listed below you will find my brief comments related to your discussion of Senate Bills 476 and 477.

Per your cursory review of these comments I would stand for questions.

Senate Bill 476

These statutes all deal with the 1985 Memorandum of Understanding, between the State of Kansas and the U.S. Army Corps of Engineers, providing for purchase of water supply storage in certain federal reservoirs. The purchases under the Memorandum of Understanding were funded by the legislature in the 1994 session, completed June 30, 1996, these statutes are therefore no longer necessary.

Senate Bill 477

These statutes refer to the employees of the Kansas Water Office as being in the Unclassified Service of the Kansas Civil Service Act. This is incorrect. A Kansas Supreme Court decision found the statutes unconstitutional. At present all employees of the Kansas Water Office, except the Director, are in the classified service. Senate Bill 477 would clarify the statutes.

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*House Environment
2-19-98
Attachment 1*

STATE OF KANSAS



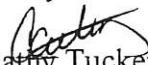
Bill Graves, Governor

KANSAS WATER OFFICE
Al LeDoux
Director

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MEMORANDUM

785-296-3185
FAX 785-296-0878
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Date: February 19, 1998
To: Raney Gilliland, Legislative Research
From: 
Cathy Tucker-Vogel
Subject: Information for HB2925

The following definition of the ordinary high water mark is from Code of Federal Regulations, Title 33, Volume 3, revised July 1, 1997 (CITE: 33CFR328.3). It is under the U.S. Army Corps of Engineers Rules and Regulations.

(Section e): The term "ordinary high water mark" means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

The Corps has established actual elevations for the ordinary high water marks on the Kansas River. These really aren't very helpful for this situation because you would have to use them in conjunction with a map showing detailed elevation lines. The Corps also said that field observations based on the above definition takes precedence over these elevation numbers. It should be noted that the ordinary high water marks can change due to climatic conditions, channel changes, bank erosion, etc.

Representative Freeborn also asked me about any statutes that might exist relating to property rights or trespass on drainage district levees. K.S.A. 24-636 establishes civil liability for obstructing or injuring levees or structures owned by drainage districts. I would imagine that the regular statutes addressing private property and trespass would apply also.

If you have any other questions or need more information please let me know.

*House Environment
2-19-98
Attachment 2*