Approved: January 30, 2001
Date

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on January 16, 2001 in Room 231-N of the Capitol.

All members were present except: Rep. Tom Sloan - excused

Committee staff present: Emalene Correll, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Mary Torrence, Revisor of Statute's Office
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Al LeDoux, Director, Kansas Water Office, 901 S. Kansas Ave., Topeka, KS 66612-1249
Kent Lamb, Chairman, Kansas Water Authority, RR1 Box 69, Macksville, KS 67557-9402
Cliff Mayo, Member, Kansas Water Authority, 1909 Grandview East, Garden City, KS 67846-8325
Jerry Blain, Member Kansas Water Authority, 1815 W. Pine, Wichita, KS 67203-3230
Clark Duffy, Asst. Director, Kansas Water Office, 901 S. Kansas Ave., Topeka, KS 66612-1249

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She announced that the committee was invited to attend the Ag Information and Technology Tour scheduled for Thursday, January 18, 2001. The bus departs the Capitol building at 7:30 a.m. and returns at 5:30 p.m.

The Chair welcomed Al LeDoux, Director, Kansas Water Office. Staff members of the Kansas Water Office along with members of the Kansas Water Authority briefed the committee on various water issues. Mr.LeDoux introduced members of the Authority to the committee and gave an overview of the briefing. (See attachment 1) He has an abiding interest in water and believes the water plan process is a very valuable one and is in good hands.

Kent Lamb, Chairman, Kansas Water Authority, was welcomed to the committee. Mr. Lamb reviewed a map of Kansas defining the twelve basins. Each of the twelve basins in the state have their own identifiable needs and resources to be addressed. Further delineation and definition of unique areas within each basin is necessary for planning purposes in the development appropriate and workable management practices. The "one size fits all" concept will not produce acceptable outcomes. The Kansas Water Authority believes in the planning process that has been established by the Legislature and the Governor to formulate and initiate best management practices that will secure the sound and stable water policies for all Kansans for the future. (See page 5 attachment 1)

Cliff Mayo, Member, Kansas Water Authority, was welcomed and addressed the committee concerning groundwater management. (See page 7 attachment 1) He is an irrigator in western Kansas and can attest to the fact that the biggest water issue is groundwater depletion. The single most important source of water for western Kansas, the Ogallala portion of the High Plains Aquifer, is being withdrawn much faster than it is being recharged. Pumping practices for irrigation is the largest single use for this water. Irrigation is the lifeblood of western Kansas.

Jerry Blain, Kansas Water Authority, was welcomed. He briefed the committee on Public Water Supply. (See page 5 attachment 1) Public water supplies are crucial to the state of Kansas, supplies include municipal water suppliers, rural water districts, and assurance districts. Kansas has approximately 900 public water suppliers.

Water plan goals include development of water reservoir storage to meet current and future use; assurance that municipal water systems can meet drought conditions and that water suppliers meet safe drinking water standards; assurance that water suppliers have technical, financial, and managerial capacity; and encourage local planning that supports state water programs.

Al LeDoux, Director, Kansas Water Office, presented a 9 minute video, narrated by Bill Curtis, that emphasizes the Kansas approach to implementation of water quality. This is the voluntary, incentive-based approach highlighted in the Governor's Water Quality Initiative. Committee questions followed.

Clark Duffy, Asst. Director, Kansas Water Office, was welcomed to the committee and discussed Kansas Water Authority recommendations and requested the three following bills and two concurrent resolutions:

(1) A bill to amend the multipurpose small lakes act. (See page 1 attachment 2) (2) Establish the source water development fund. (See page 6 attachment 2) (3) Re-establish the water assurance fund. (See page 12 attachment 2).

(1) A Resolution in support of federal action on High Plains Aquifer. (See page 17 attachment 2) (2) A Resolution in support of reallocation of John Redmond Reservoir. (See page 15 attachment 2).

Rep. Don Myers made a motion the requests by the Kansas Water Authority be introduced. Rep. Becky Hutchins seconded the motion. Motion carried.

Bill Bider, Director, Bureau of Waste Management, Kansas Department of Health and Environment, was welcomed to the committee. He requested three bills on behalf the Department:

(1) KDHE Mausoleum Bill (2) KDHE Miscellaneous Solid Waste Amendments (3) Proposed Update to State Waste Tire Program. (See attachment 3)

Rep. Dan Johnson made a motion to introduce bills requested by KDHE. Rep. Ted Powers seconded the motion. Motion carried.

Chairperson Freeborn closed the floor for bill requests.

The meeting adjourned at 5:10 p.m. The next meeting is scheduled for Tuesday, January 23, 2001.

HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: January 16, 2001

NAME	REPRESENTING
Bill Bider	KDHE
Bill Hargrove	KCARE/K-State
Mary Jane Stattelman	KGSFA
Ron Hammerschmidt	KDHE
Don Paxson	KWA
Cliff Mayo	" "
Jerry Blain	" " "
David Mueller	" " "
Hank Ernst	Ks Water Office
Susan Stover	Ks Water Office
Brownie Wilson	Ks Water Office
Matt Sinovic	John Ballou
Edward Rowe	League of Women Voters of Kansas
Andy Shaw	Kearney Law Office
Doug Smith	Pinegar-Smith Company
Terry Donnelly	Ks Water Office
Kent Weatherby	Kansas River Water Assur. Dist.
Chris Wilson	GMD3
Rylan Martin	KCCI
Bill Brady	ICI Gov't Consulting
Jim Kaup	City of Hays
Gordon Schmidt	K.W.A.

Kansas Water Authority

Briefing on

Water Issues

Before the

2001 Legislature

January 2001

Introductions

Overview of Entire Briefing

Al LeDoux, Director
Kansas Water Office

Overview of Planning Process

Kent Lamb, Chairman
Kansas Water Authority

House Environment
1-16-01
Attachment 1

STATE OF KANSAS

Bill Graves, Governor

KANSAS WATER OFFICE
Al LeDoux
Director

901 S. Kansas Ave.
Topeka, Kansas 66612-1249

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

KANSAS WATER AUTHORITY
LEGISLATIVE BRIEFINGS

Introductory Comments
Al LeDoux, Director, Kansas Water Office

House Environment Committee
Senate Natural Resources and Agriculture Committees
House Agriculture Committee
January 16th & 17th, 2001

Introductions of Kansas Water Authority members present and presenters for today.

Kent Lamb, Chairman, Kansas Water Authority, will address the overall planning process, Cliff Mayo, Member, Kansas Water Authority, will discuss groundwater management issues, and Jerry Blain, Member, Kansas Water Authority, will discuss public water supply issues. I will come back and make a few comments about water quality and Clark Duffy, Assistant Director, will summarize our legislative initiatives.

Those of you who know me, know of my abiding interest in water. What you may not know is that when I'm not thinking water, I'm tending my cattle. My bet is that you share a commitment to whatever it is you do for a living or a pastime. No matter how important water is, it is not at the forefront of your world. That is why the water plan process is so valuable. Water is in good hands, whether or not it is the center of your work

Kent will speak to you now.

THE KANSAS WATER AUTHORITY

NAME	OCCUPATION	REPRESENTING	TERM EXPIRES
Kent Lamb, Chairman (316) 348-2315 RR 1, Box 69 Macksville, KS 67557-9402	Farmer/Irrigator	Governor	Pleasure
Al LeDoux, Secretary (785) 296-3185 901 S. Kansas Avenue Topeka, KS 66612-1249 al@kwo.state.ks.us	Director	Kansas Water Office	Ex Officio
Dr. M. Lee Allison (785) 864-3965 University of Kansas – Campus West 1930 Constant Avenue Lawrence, KS 66047-3726 lallison@kgs.ukans.edu	Director	KS Geological Survey	Ex Officio
Gerald Blain (316) 269-4764 1815 W. Pine Wichita, KS 67203-3230 blain_j@ci.wichita.ks.us	Superintendent City of Wichita	GMD's #2 & #5	05/01/02
Dr. Roger L. Boyd (785) 594-3172 (h) P. O. Box 65 (785) 594-4547 (w) Baldwin City, KS 66006-0065 boyd@harvey.bakeru.edu	Professor of Biology Baker University	Environment/ Conservation	01/15/01
David Brenn (316) 276-3246 P. O. Box 597 Garden City, KS 67846 dbrenn@odsgc.net	Sr. Vice-President/ General Manager Garden City Co.	GMD's #1, #3, and #4	01/15/03
Jamie Clover Adams (785) 296-3558 109 SW 9th Street, Suite 400 Topeka, KS 66612 jadams@kda.state.ks.us	Secretary	KS Department of Agriculture	Ex Officio
William R. Hamm (316) 284-0707 P. O. Box 884 Newton, KS 67114-0884 wrh@southwind.net	Insurance/ Investments	State Association of KS Watersheds	05/01/02
Dr. Ron Hammerschmidt (785) 296-1535 KS Dept. of Health & Environment Forbes Field, Building 740 Topeka, KS 66620-0001 rhammers@kdhe.state.ks.us	Director	Division of Environment	Ex Officio
Dr. Marc Johnson (785) 532-7137 113 Waters Hall Kansas State University Manhattan, KS 66506 agdean@ksu.edu	Director	Agricultural Experiment Station	Ex Officio
Cliff Mayo (316) 276-7583 1909 Grandview East Garden City, KS 67846-8325	Farmer/Stockman	Speaker of the House	07/12/03
David Mueller (785) 965-2628 1172 330th Tampa, KS 67483 muel@tctelco.net	Farmer/Stockman	Kansas Rural Water Association	05/01/04
Don Paxson (785) 421-2364 P. O. Box 487 Penokee, KS 67659-0487 dpaxson@ruraltel.net	Businessman/ Farmer	KS Assoc. of Conservation Districts	05/01/04

NAME	OCCUPATION	REPRESENTING	TERM EXPIRES
David L. Pope (785) 296-3717 Kansas Department of Ag 109 SW 9th Street, 2nd Floor Topeka, KS 66612 dpope@kda.state.ks.us	Chief Engineer	Division of Water Resources	Ex Officio
Paul Sasse (316) 331-2253 (h) 215 N Second Street (316) 332-2506 (w) Independence, KS 67301 citymgr@horizon.hit.net	City Manager City of Independence	League of Municipalities	01/15/01
Gordon Schmidt (316) 543-2628 10320 N Wheat State Road Inman, KS 67546-8109	Farmer	Public	08/31/04
Gary Sherrer (785) 296-2741 700 SW Harrison, Suite 1300 Topeka, KS 66603-3712 gsherrer@kdoch.state.ks.us	Lt. Governor/ Secretary	Department of Commerce & Housing	Ex Officio
Sharon Steele (785) 462-2558 965 Prairie View Colby, KS 67701-4303 psteel@colby.ixks.com	Farmer	Public	01/15/04
Tracy Streeter (785) 296-3600 109 SW 9th Street, Suite 500 Topeka, KS 66612 tstreeter@scc.state.ks.us	Executive Director	State Conservation Commission	Ex Officio
Paul Tobia (316) 529-7463 P. O. Box 12283 Wichita, KS 67277-2283 paul_tobia@vul.com	Plant Manager Vulcan Chemicals	KS Association of Commerce and Industry	01/15/03
Dick Weisser (913) 681-2697 (h) 20004 Riggs Stillwell, KS 66085-9459 dweisser@prodigy.net	Board Chairman WD #1 JO County	President of the Senate	07/01/01
Steve Williams (785) 296-2281 900 SW Jackson, Suite 502 Topeka, KS 66612 stevew@wp.state.ks.us	Secretary	KS Department of Wildlife and Parks	Ex Officio
John Wine (785) 271-3100 1500 SW Arrowhead Road Topeka, KS 66604 j.wine@kcc.state.ks.us	Chair	Kansas Corporation Commission	Ex Officio

The Kansas Water Authority

The Kansas Water Authority is within and a part of the Kansas Water Office. It is responsible for advising the Governor, the Legislature, and the Director of the Kansas Water Office on water policy issues, for approving the *Kansas Water Plan* and revisions thereto, for approving water storage sales, federal contracts, administrative regulations, and legislation proposed by the Kansas Water Office.

KANSAS WATER AUTHORITY
901 South Kansas Avenue, Topeka, KS 66612-1249 (785) 296-3185

Kent Lamb, Chairman
RR 1, Box 69, Macksville, KS 67557 (316) 348-2315

KANSAS WATER AUTHORITY
LEGISLATIVE BRIEFINGS

Kent Lamb, Chairman, Kansas Water Authority
WATER PLANNING PROCESS

House Environment Committee
Senate Natural Resources and Agriculture Committees
House Agriculture Committee
January 16th & 17th, 2001

The greatest challenge of a challenge is the gap of time between the present and the D-day of confrontation. One could embrace apathy, denial, or dissension to deal with the particular problem instead of collectively, proactively committing our resources, citizens, and governmental agencies to bridge the uncertainties into successes for the people of Kansas. You are facing many challenges, one of which is water, this session that will test your best cooperative efforts.

We could leave to chance the future water decisions of our state by doing nothing or embracing a "quick fix". Only through the faithful exercise of sound data collection and evaluation, participation of all affected stakeholders, and the unbiased commitment of everyone to the development of achievable goals and policies will Kansans, in the future, have the quantity and quality of water that is so necessary and precious. I am certain that our first challenge is one of process before solution and implementation.

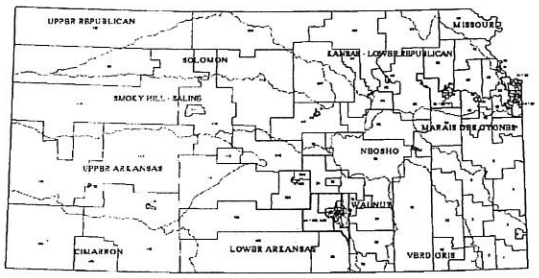
The most frustrating challenge is the one in which either it doesn't directly impact you or with which you are not particularly familiar or has been around a long time without any successful solution. Today's water issues are included in all the above.

Each of the twelve basins in the state have their own identifiable needs and resources to be addressed. Further delineation and definition of unique areas within each basin is necessary for planning purposes in the development appropriate and workable management practices. The "one size fits all" concept will not produce acceptable outcomes.

The Kansas Water Authority believes in the planning process that has been established by the Legislature and the Governor to formulate and initiate best management practices that will secure the sound and stable water policies for all Kansans for the future.

State Water Plan Coordinates With Stakeholders On An Annual Basis

House



One Size Does Not Fit All

KANSAS WATER AUTHORITY
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Kent Lamb, Chairman
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KANSAS WATER AUTHORITY
LEGISLATIVE BRIEFINGS

Cliff Mayo, Member, Kansas Water Authority
GROUNDWATER MANAGEMENT

House Environment Committee
Senate Natural Resources and Agriculture Committees
House Agriculture Committee
January 16th & 17th, 2001

1) (slide: map of Ogallala)

I am an irrigator in western Kansas. I can attest to the fact that our biggest water issue is groundwater depletion. The single most important source of water for western Kansas, the Ogallala portion of the High Plains Aquifer, is being withdrawn much faster than it is being recharged.

Pumping practices for irrigation is the largest single use for this water. But, I want to impress upon you, irrigation is not a dirty word, the produce derived from irrigation is not a dirty practice and the economy and lifestyle of that area is not a dirty reality. Irrigation is the lifeblood of western Kansas.

2) (slide: map of water use reductions necessary for sustainability)

The dilemma then is... sustaining our natural resource, water, while retaining the economy.

The colors in this slide indicate various amounts of water use reduction necessary to achieve zero depletion. The red indicates a reduction of 75%, while lighter colors represent a lesser amount of reduction to accomplish zero depletion.

You can imagine what this would do to the economy if this were suddenly implemented, not only for western Kansas, but for all of Kansas.

The Kansas Water Authority is working on this challenge.

3) (slide: map of estimated usable lifetime)

Without a reasonable, workable plan of attack for conserving our water, in many areas the water will be depleted. This map indicates 25 years or less in red with yellow being 100 to 150 years left.

please note the spottiness; it isn't all red.

4) (slide: title of KWA Report on SB 287)

The Kansas Water Authority 2000 report for House Substitute for Senate Bill 287 addressed our aquifer resources in two of the reports:

1. Aquifer resources, surface water and long-term prospects for transition to dryland farming; and
2. The potential for competing water needs and the means to address that competition.

The atlas to the Kansas High Plains Aquifer, from the Kansas Geological Survey, developed out of the need to answer those questions put to us by the 1999 legislature. It has been extremely helpful in determining the state of our groundwater resources.

5 (slide: a new idea for managing the Ogallala Aquifer)

In the Kansas Water Authority recommendations in the report is a practice to develop a new management approach for the Ogallala Aquifer. We will be reviewing a new proposal at our meeting this week.

This approach, which we reviewed briefly in December, would address the ground water decline rates in the Ogallala, and protect some water for future generations. A portion of the aquifer, based on the amount of recharge, would be managed for zero depletion. It hasn't yet been reviewed by the Full Authority, and it would need a lot of discussions with those who live in western Kansas, but it is a new idea that might help us best manage the aquifer for today's and tomorrows water needs.

6) (slide: Mayo Committee Report)

Last fall, I chaired an ad hoc committee appointed by Al LeDoux. Our report, "Federal Actions Necessary for The Conservation and Environmental Preservation of the High Plains Aquifer" included the concept of "while preserving the economy".

The recommendations were for specific federal actions to be taken to help conserve the High Plains Aquifer through the eight states it

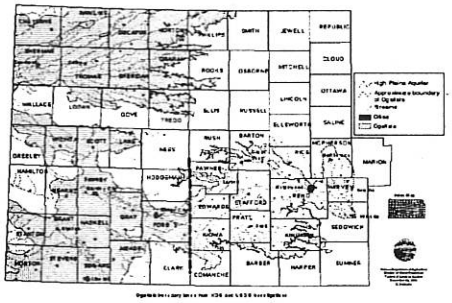
underlies. Texas, Oklahoma, New Mexico, and parts of Colorado, Wyoming, and Nebraska all face severe decline areas in the aquifer. The committee consisted of men whose professional lives involves the High Plains Aquifer in some way; many of the committee members are irrigators that rely on that water source. All of us agreed that action is needed at the federal, as well as the state and local and individual levels, to better manage this depleting resource.

Governor Graves has reviewed and endorsed the efforts of this report, and sent it to Senators Brownback and Roberts, and Representative Moran. We want to promote action for federal legislation. Support from the state legislature on these efforts are greatly appreciated. At the end of this briefing, Clark Duffy will summarize all of the Kansas Water Authority legislative needs, including possible action on this item.

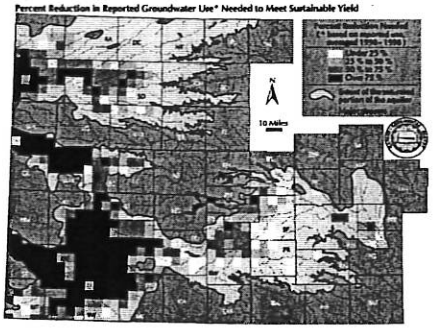
High Plains Aquifer
Ground Water Management

Cliff Mayo
Kansas Water Authority

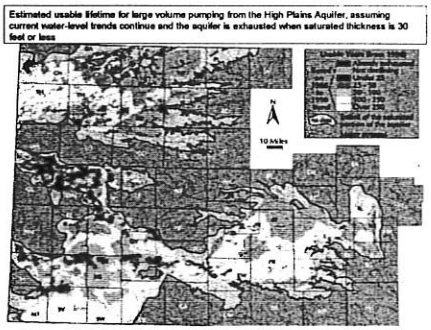
High Plains Aquifer
Management of the Ogallala



High Plains Aquifer
Management of the Ogallala



High Plains Aquifer Management of the Ogallala



Kansas Water Authority 2000 Report For House Substitute For SB 287

- Aquifer resources, surface water and long term prospects for transitions to dryland farming.
- The potential for competing water needs and means to address that competition.

High Plains Aquifer Management of the Ogallala

- A New Idea for Managing the Ogallala Aquifer that will:
  - Address the Rate of Ground Water Depletion in Western Kansas
  - And Protect Some Water for Future Generations

1-11

High Plains Aquifer Management of the Ogallala

- Committee Report on:
  - Federal Actions Necessary for the Conservation and Environmental Preservation of the High Plains Aquifer

Public Water Supply

Jerry Blain
Kansas Water Authority

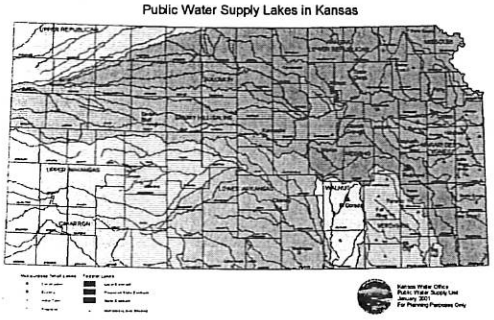
Public Water Supply

- Public water supplies are crucial to the State of Kansas.
- Public water supplies include municipal water suppliers, rural water districts, wholesale water districts, and assurance districts.
- Kansas has approximately 900 public water suppliers.

Water Plan Goals

- Develop water reservoir storage to meet current & future.
- Assure that municipal water systems can meet drought conditions.
- Assure that water suppliers meet safe drinking water standards.
- Assure that water suppliers have technical, financial, & managerial capacity.
- Encourage local planning that supports State water programs.

Public Water Supply Lakes in Kansas



Existing Programs

- Water Supply & Demand Estimates.
- Water Marketing Program – 12 COE Reservoirs.
- Kansas Water Assurance Program – 8 Reservoirs.
- Large Reservoir Finance Program.
- Multipurpose Small Lakes Program.

Drought Monitoring

- Monitors minimum desirable streamflows.
- Monitors drought conditions.
- Influences the operations of assurance districts.
- Informs the Governor, influences Governors Drought Response Team.

Public Water Supply Program

- Reviews the technical, financial and managerial ability of a public water supply.

Public Water Supply Financial Assistance Programs

- Public Water Supply Revolving Loan Program.
- U.S. Rural Development Financial Assistance Program.
- Community Development Block Grant Program.

STATE OF KANSAS

Bill Graves, Governor

KANSAS WATER OFFICE
Al LeDoux
Director

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KANSAS WATER AUTHORITY LEGISLATIVE BRIEFINGS

Al LeDoux, Director, Kansas Water Office
WATER QUALITY

House Environment Committee
Senate Natural Resources and Agriculture Committees
House Agriculture Committee
January 16th & 17th, 2001

You will hear from the Kansas Department of Health and Environment and/or Kansas State University and the State Conservation Commission on activities related to the development and implementation of TMDL's. The primary role of the Kansas Water Authority is coordination of public input on setting implementation priorities, and the coordination of where and when we put our resources to get the most bang for the buck. Overall, this process is working extremely well. We want to assure you that it will continue.

We have a 9-minute video that emphasizes the Kansas approach to implementation of water quality. This is the voluntary, incentive-based approach highlighted in the Governor's Water Quality Initiative. Bill Curtis narrates.

Role of Kansas Water Authority & State Water Plan in Water Quality

- *Kansas Water Plan* contains high priority TMDLs
- *Kansas Water Plan* makes recommendations on targeting resources to priority TMDLs
- *Kansas Water Plan* has identified need to ensure comprehensive and coordinated implementation and tracking of progress

Kansas Water Authority
Recommendations to the 2001 Legislature

Clark Duffy
Kansas Water Office

Legislation

	Governor's Recommendation
➢ Amend Multipurpose Small Lakes Act	➢ Concur
➢ Establish Source water Development Fund	➢ Defer
➢ Assist Watershed Districts	➢ Address Administratively
➢ Transfer Collection Responsibility for State Water Plan Fund	➢ Defer
➢ Stabilize Rate for Water Marketing	➢ Appropriation Proviso
➢ Re-establish Water Assurance Fund	➢ Technical Clean-Up

Recommendations HS for SB 287

	Governor's Recommendations
➢ Resolution in support of Federal Action on High Plains Aquifer	➢ Support
➢ Resolution in support of Reallocation of John Redmond Reservoir	➢ Not Considered

Recommended Expenditures

➢ State Water Plan Fund	➢ See Attached
➢ $45,000 for Ogallala Aquifer Institute	➢ Not Recommended
➢ $300,000 to Compare Water Quality in Kansas with other States	➢ Not Recommended

Approved Water Marketing Contracts

- ➢ Miami County RWD #1 from Hillsdale Reservoir
  - ➢ The Legislature has 30 days to <u>disapprove</u>

Potential Future Contract

- ➢ Purchase of Storage from Kanopolis Reservoir

Key Water Documents

- ➢ Purpose and Process – *Kansas Water Plan*
- ➢ HydroGRAM
- ➢ Report to the Governor & 2001 Legislature
- ➢ Executive Summary for House Substitute for SB 287
- ➢ Committee Report – High Plains Aquifer
- ➢ *Kansas Water Plan* – FY 2002

KANSAS WATER AUTHORITY RECOMMENDATIONS
Expenditures by Agency

WPF REQUESTS	FY 2001	FY 2002 Agency Request	FY 2002 KWA Recommendation	FY 2002 Governor's Recommendation
KDHE				
Non-point source technical assistance	469,430	479,832	479,832	482,435
TMDL initiative / Use attainability	420,000	420,000	420,000	406,900
Assessment of sediment quality	50,000	50,000	50,000	50,000
SWP contamination remediation	1,397,840	1,397,023	1,397,023	1,397,506
Local environmental protection	1,800,000	1,800,000	1,800,000	1,800,000
Subtotal	$4,137,270	*$4,146,855	4,146,855	4,136,841
Carryover/other			(532,910)	
Total		$3,900,000	*$3,613,945	
KDWP				
Biological monitoring	50,000	50,000	50,000	50,000
River Recreation	0	100,000	100,000	
Total	$50,000	$150,000	$150,000	50,000
KCC				
Oil and gas remediation	$400,000	$400,000	$0	400,000
KDA				
Floodplain management	131,849	135,576	135,576	136,647
Interstate water issues	202,795	241,073	241,073	243,905
Subbasin water resources	649,145	643,255	643,255	651,597
Best Management Practices	50,000	0	0	
Subtotal	$1,033,789	**$1,019,904	$1,019,904	1,032,149
Carryover/other			(226,946)	
Total			**$792,958	
SCC				
Non-point source pollution control	3,000,000	3,000,000	3,000,000	3,150,000
Water resources cost-share program	4,450,000	4,450,000	4,450,000	4,450,000
Riparian and wetland protection	200,000	200,000	200,000	200,000
Water quality buffer initiative	80,000	80,000	140,134	265,134
Aid to conservation districts	1,035,500	1,038,000	1,038,000	1,038,000
Watershed dam construction assistance	805,000	805,000	805,000	805,000
Multipurpose small lakes	230,000	230,000	422,750	230,000
Water rights purchase			***69,433	69,433
Total	$9,800,500	$9,803,000	$10,055,884	10,207,567
KWO				
PMIB loan	270,413	263,991	263,991	263,991
O & M per MOU	370,787	387,833	387,833	437,883
Cedar Bluff O & M	59,000	50,000	50,000	
Assessment & evaluation	200,000	250,000	250,000	200,000
KWRI (research)	0	140,000	140,000	
Weather modification	349,000	349,000	349,000	178,000
Stream gaging program	370,000	****0	****0	416,000
Technical assistance to water users	440,000	440,000	440,000	440,795
Groundwater condition evaluation	70,000	0	0	
DASC support	159,500	133,773	133,773	143,773
GIS database development	250,000	250,000	250,000	250,000
GIS administrative support	17,800	10,000	10,000	
Public information	30,000	56,500	56,500	30,000
Public education	60,000	100,000	100,000	60,000
Stream team	0	50,000	50,000	
Federal cost-share program	250,000	250,000	250,000	250,000
Total	$2,896,500	$2,731,097	$2,731,097	2,670,392
University of Kansas				
Geological Survey				50,000
Grand Total	$18,318,059	$17,777,055	$17,343,884	18,546,949

* Request for FY 2002 State Water Plan is $3,900,000. Kansas Department of Health & Environment's (KDHE) 404B includes a balance forward of $418,210 from FY 2001 and $57,200 as charges for technical and skilled services. The 404B shows total FY 2002 expenditures of $4,146,855 and a balance forward of $228,855. The Kansas Water Authority recommends that KDHE's request of $3,900,000 be reduced by $57,200 charges for technical and skilled services and the $228,855 balance forward.

** Request for FY 2002 State Water Plan Fund is $792,958. The amount shown includes a balance forward of $226,946.

*** Not included in total for State Conservation Commission (SCC). Agency will identify $69,433 from other SCC programs.

**** Funding for the Stream Gaging Program ($416,000) is being requested as a State General Fund enhancement.

KANSAS WATER AUTHORITY
REQUEST FOR INTRODUCTION OF LEGISLATION

Page No.

January 2001

House Environment
1-16-01
Attachment 2

Chapter 82a.--WATERS AND WATERCOURSES
Article 16.--MULTIPURPOSE SMALL LAKES PROGRAM

82a-1601. Citation of act. This act shall be known and may be cited as the "multipurpose small lakes program act."

History: L. 1985, ch. 342, § 1; July 1.

82a-1602. Multipurpose small lakes program established; duties of state conservation commission; rules and regulations. In order to provide public water supply storage and water related recreational facilities in the state there is hereby established a multipurpose small lakes program. The program shall be administered by the state conservation commission. The state conservation commission shall adopt all rules and regulations necessary to implement the provisions of this act except as may otherwise be provided for in this act.

History: L. 1985, ch. 342, § 2; July 1.

82a-1603. Definitions. When used in this act:

(a) "Chief engineer" means the chief engineer of the division of water resources of the state board of agriculture.

(b) "Class I funded project" means a proposed new project or renovation of an existing project located within the boundaries of an organized watershed district which is receiving or is eligible to receive financial participation from the state conservation commission for the flood control storage portion of the project.

(c) "Class II funded project" means a proposed new project or renovation of an existing project which is receiving or is eligible to receive financial participation from the federal government.

(d) "Class III funded project" means a proposed new project or renovation of an existing project located outside the boundaries of an organized watershed district which is not receiving or is not eligible to receive financial participation from the state conservation commission or the federal government except as provided in K.S.A. 82a-1606, and amendments thereto.

(e) "Flood control storage" means storage space in reservoirs to hold flood waters.

(f) "Future use public water supply storage" means that storage space which the Kansas Water Office determines will be needed within the next 20 years for use by public water supply users in the area, but for which there is no current sponsor.

~~(f)~~(g) "General plan" means a preliminary engineering report describing the characteristics of the project area, the nature and methods of dealing with the soil and water problems within the project area, and the projects proposed to be undertaken by the sponsor within the project area. Such plan shall include maps, descriptions and other data as may be necessary for the location, identification and establishment of the character of the work to be undertaken; a cost-benefit analysis of alternatives to the project, including but not limited to, nonstructural flood control options and water conservation and reuse to reduce need for new water supply storage; and any other data and information as the chief engineer may require.

~~(g)~~(h) "Land right" means real property as that term is defined by the laws of the state of Kansas and all rights thereto and interest therein and shall include any road, highway, bridge, street, easement or other right-of-way thereon.

~~(h)~~(i) "Multipurpose small lake project" means a dam and lake containing (1) flood control storage and (2) either public water supply storage or recreation features or both.

~~(i)~~ (j) "Public water supply" means a water supply for municipal, industrial or domestic use.

~~(j)~~(k) "Public water supply storage" means storage of water for municipal, industrial or domestic use.

~~(k)~~(l) "Recreation feature" means water storage and related facilities for activities such as swimming, fishing, boating, camping or other related activities.

(m) "Renovation of an existing project" means repair or restoration of an existing lake which contains water storage space for use as a public water supply and either recreational purposes or for flood control, or both.

~~(l)~~ (n) "Sponsor" means (1) any political subdivision of the state which has the power of taxation and the right of eminent domain; (2) any public wholesale water supply district; or (3) any rural water district.

~~(m)~~(o) "Water user" means any city, rural water district, wholesale water district or any other political subdivision of the state which is in the business of furnishing municipal or industrial water to the public.

History: L. 1985, ch. 342, § 3; L. 1989, ch. 5, § 5; L. 1991, ch. 290, § 4; July 1.

82a-1604. State participation in class I multipurpose small lake project; general plan required; duties of water office; duties of sponsor; costs; sale of water rights. (a) The state may participate with a sponsor in the development, construction or renovation of a class I multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-

1214, and amendments thereto. If the Kansas water office determines that additional public water supply storage shall be needed in that area of the state within 20 years from the time such project is to be completed and a water user is not available to finance public water supply storage, the state may include future use public water supply storage in the project. The Kansas water office shall apply for a water appropriation right sufficient to insure a dependable yield from the public water supply storage. The Kansas water office shall be exempt from all applicable fees imposed pursuant to K.S.A. 82a-701 et seq., and amendments thereto, for such applications. The Kansas water office shall have authority to promulgate rules and regulations relative to the inclusion of future use public water supply storage in proposed projects under this act and the disposition of state-owned rights and associated public water supply storage space in such projects.

(b) The sponsor of such class I project shall be responsible for acquiring land rights and for the costs of operation and maintenance of such project. ~~The sponsor participating in the construction of recreation features of a project shall pay for that portion of the project attributable to recreation.~~ The state may provide up to 50% of the engineering and construction costs and up to 50% of the costs of land rights associated with recreation features. Subject to the provisions of subsection (a), the state may pay up to 100% of the engineering and construction costs of flood control and public water supply storage. All other costs of such project, including land, construction, operation and maintenance shall be paid by the sponsor.

(c) The Kansas water office may recover the state's costs incurred in providing public water supply storage in such class I project and interest on such costs, by selling such storage and the associated water rights. Interest on such costs shall be computed at a rate per annum which is equal to the greater of: (1) The average rate of interest earned the past calendar year on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board, less 5%; or (2) four percent.

History: L. 1985, ch. 342, § 4; L. 1991, ch. 290, § 5; July 1.

82a-1605. State participation in class II multipurpose small lake project; general plan required; duties of water office; duties of sponsor; costs; sale of water rights. (a) The state may participate with a sponsor in the development, construction or renovation of a class II multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-1214, and amendments thereto. If the Kansas water office determines that additional public water supply storage shall be needed in that area of the state within 20 years from the time such project is to be completed and a water user is not available to finance public water supply storage, the state may include future use public water supply storage in the project. The Kansas water office shall apply for a water appropriation right sufficient to insure a dependable yield from public water supply storage. The Kansas water office shall be exempt from all applicable fees imposed pursuant to K.S.A. 82a-701 et seq., and amendments thereto, for such applications. The Kansas water office shall have authority to promulgate rules and regulations relative to the inclusion of future use public water

supply storage in proposed projects under this act and the disposition of state-owned rights and associated public water supply storage space in such projects.

(b) In a class II project, the state may assume initial financial obligations for public water supply storage in watersheds by entering into long-term contracts with the federal government. In order to provide security to the federal government, the state may grant assignments of water rights, either appropriation rights or water reservation rights; assignments of rights under existing or prospective water purchase contracts; assignments, mortgages or other transfers of interests in real property held by the state and devoted to the specific small lake project for which security is sought; or may provide other security that is permissible under state law and acceptable by the federal government. Instead of contracting to repay costs under long-term contracts, the state may pay all of the required costs of the public water supply storage in a lump sum.

(c) The sponsor of such class II project shall be responsible for acquiring land rights and for the costs of operation and maintenance of such project. ~~The sponsor participating in the construction of recreation features of a project shall pay for that portion of the project attributable to recreation.~~ The state or federal government may provide up to 50% of the engineering and construction costs and up to 50% of the costs of land rights associated with recreation features.

(d) The Kansas water office may recover the state's costs incurred in providing public water supply storage in such class II project and interest on such costs, by selling such storage and the associated water rights. Interest on such costs shall be computed at a rate per annum which is equal to the greater of: (1) The average rate of interest earned the past calendar year on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board, less 5%; or (2) four percent.

History: L. 1985, ch. 342, § 5; L. 1991, ch. 290, § 6; July 1.

82a-1606. State participation in class III multipurpose small lake project; general plan required; duties of water office; duties of sponsor; costs; sale of water rights. (a) The state may participate with a sponsor in the development, construction or renovation of a class III multipurpose small lake project if the sponsor has a general plan which has been submitted to and approved by the chief engineer in the manner provided by K.S.A. 24-1213 and 24-1214, and amendments thereto. If public water supply storage is included in the project, the sponsor of such class III project shall pay for 100% of the costs associated with the public water supply storage portion of such project unless the Kansas water office determines that additional public water supply storage shall be needed in that area of the state within 20 years from the time such project is to be completed and a sponsor is not available to finance 100% of the costs associated with the public water supply storage, the state may participate in the future use public water supply storage costs of the project. If the state participates in the public water supply storage costs, the Kansas water office shall apply for a water appropriation right sufficient to insure a dependable yield from public water supply

storage. The Kansas water office shall be exempt from all applicable fees imposed pursuant to K.S.A. 82a-701 et seq., and amendments thereto, for such applications. The Kansas water office shall have authority to promulgate rules and regulations relative to the inclusion of future use public water supply storage in proposed projects under this act and the disposition of state-owned rights and associated public water supply storage space in such projects.

(b) The sponsor of such class III project shall be responsible for acquiring land rights and for the costs of operation and maintenance of the project. ~~The sponsor participating in the construction of recreation features of a project shall pay for that portion of the project attributable to recreation.~~ The state may provide up to 50% of the engineering and construction costs and up to 50% of the costs of land rights associated with recreation features. The state may pay up to 100% of the engineering and construction costs of flood control storage and public water supply storage. All other costs of such project, including land, construction, operation and maintenance, shall be paid by the sponsor.

(c) The Kansas water office may recover the state's costs incurred in providing public water supply storage in such class III project, and interest on such costs, by selling such storage and the associated water rights. Interest on such costs shall be computed at a rate per annum which is equal to the greater of: (1) The average rate of interest earned the past calendar year on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board, less 5%; or (2) four percent.

History: L. 1985, ch. 342, § 6; L. 1991, ch. 290, § 7; July 1.

SOURCE WATER RESTORATION & INFRASTRUCTURE DEVELOPMENT FUND

Kansas Water Fact No. **January 2001** **Kansas Water Office**

Introduction

The State of Kansas currently owns water supply storage in 12 federal reservoirs. Storage space in these reservoirs has been purchased under contracts with the U.S. Army Corps of Engineers. In addition there are many small municipal lakes across the state that provide water supplies to local communities. In recent years, issues regarding siltation and its impact on public water supplies have been raised. The 2000 Kansas Legislature enacted House Substitute for Senate Bill 287, which directed the Kansas Water Office to evaluate the impacts of siltation in reservoirs on pubic water supplies, recreation and flood control. The study identifies public water supply impoundments that might be potential candidates for restoration. There is currently no source of funding dedicated to the renovation of public water supply lakes.

In addition to siltation problems many public water suppliers in Kansas have aging and inadequate infrastructure, which inhibits their ability to achieve compliance with amendments to the Safe Drinking Water Act. Public Water Suppliers are also asked to meet Technical, Financial and Managerial (TFM) capacity under the Safe Drinking Water Act. Extensive upgrades will be needed in order for public water suppliers to meet these new requirements. While there are several financial assistance programs available for infrastructure development, many water suppliers do not qualify for funding due to income and population restrictions. Limited programmatic funding also creates a competitive process that reduces the number of public water suppliers that can participate in the existing assistance programs. For example, in 1999, the requests for State Revolving Loan Fund assistance totaled approximately $84 million (94 projects). Approximately $72 million (75 projects) was approved for funding. The Year 2000 Community Development Block Grant Program received approximately $7 million (24 projects) in requests and awarded approximately $3 million (11 projects) in grants for public water supply projects. The combined shortfall of these two programs is approximately $16 million (32 projects). A new infrastructure development program focusing on implementation of regional systems would relieve some of the pressure on these existing programs and provide an additional source of revenue to enable public water suppliers to address their water supply needs.

Implementation

The fund will be used to:

1. Restore public water supply lakes that have decreased capacity due to siltation. Renovation of existing lakes would reduce the need to acquire land for new reservoirs and thus reduce the need to exercise the power of eminent domain. Renovation of existing lakes could also address dam safety issues and reduce the environmental impacts of new reservoir construction. The Kansas Water Office will prioritize the lakes identified as potential candidates for dredging. An evaluation will be conducted to determine if dredging is the best solution for each lake. The approximate cost for dredging a lake is $5,600 per acre foot of water restored.

2. Implement regional strategies approved by the Kansas Water Authority. Many public water suppliers in Kansas will require costly upgrades to outdated, existing facilities to meet new Safe Drinking Water Act requirements. The development and construction of regional systems has been identified as a viable and often preferable

approach for public water supply systems to achieve compliance with these new regulations. Financing is a major obstacle to construction of regional systems. For example, a study conducted in Butler County indicates that construction of a large regional system to serve the County would cost approximately $40 million. This cost includes treatment and distribution of water from El Dorado Lake. Another project in Northeast Kansas has been estimated to cost approximately $132 million.

3. Provide add-on funding to existing projects to upgrade treatment and distribution to enable future implementation of a regional system. For example, Federal financial assistance programs have a limit on the size of pipeline that can be installed to qualify for funding. Upgrading the size of the pipe beyond what the federal program allows would enable potential users at the end of the system to hook-on. This approach would also provide a mechanism for public water suppliers to hook together in order to form a regional system. Costs for upgrading systems would vary depending upon the existing system and the type of upgrade necessary.

Approximately $10,000,000 - $20,000,000 per year is needed to establish this fund to adequately address surface water restoration and infrastructure development. Restoration will focus on lakes on the prioritized list developed by the Kansas Water Office. Infrastructure development will focus on construction of facilities that implement and encourage regional strategies.

Additional Information

Further information on this subject may be obtained from: Kansas Water Office, 902 S. Kansas Avenue, Topeka, KS 66612-1249, (785) 296-3185 or toll free at 1-888-KAN-WATER

WATERSHED DISTRICT WETLAND AND RIPARIAN PLANS LEGISLATION

1) K.S.A. 82a-901 *et seq.,* be amended.
Language: The Kansas Water Office will provide or arrange to provide technical assistance the Watershed Districts to assist them in development of watershed wetland and riparian protection plans.

2) K.S.A. 24-1201 *et seq.*, be amended.
Language: Watershed Districts shall coordinate with County Conservation Districts in the development of watershed wetland and riparian protection plans.

Be it enacted by the Legislature of the State of Kansas

WATER PROTECTION FEE

Section 1. K.S.A. 82a-954 is here by Amended to read as follows:

(a) On and after July 1, 1989, there is hereby imposed a water protection fee at the rate of:

(1) *Subject to the provisions of subsection (c)* ~~T~~*three* cents per 1,000 gallons of water *appropriated for public water supply use pursuant to a permit granted in accordance with the Kansas water appropriation act; and* ~~sold at retail by a public water supply system and delivered through mains, lines or pipes;~~

(2) ~~subject to the provisions of subsection (c),~~ Three cents per 1,000 gallons of water appropriated for industrial use pursuant to a permit granted in accordance with the Kansas water appropriation act; and

(3) Three cents per 1,000 gallons of water appropriated for stockwatering pursuant to a permit granted in accordance with the Kansas water appropriation act.

(b) As used in this section *"public water supply,"* "industrial use" and "stockwatering" have the meanings provided by rules and regulations of the chief engineer of the division of water resources of the state board of agriculture. ~~and the determination of gallons used shall be based upon figures supplied to the secretary of revenue by the division of water resources.~~

(c) The fees imposed by subsections (a)(2) and (3) shall be based on the actual amount used for *public water supply,* industrial use or stockwatering during the preceding calendar year as *determined by a water meter and* reported to the chief engineer of the division of water resources of the state board of agriculture in accordance with the provisions of K.S.A. 82a-732 and amendments thereto, except that: (1) the amount of surface water used for flow through

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cooling purposes for electric power generating plants shall be based on an average consumptive factor as determined by the division of water resources; and (2) no such fee shall be imposed on the amount of water used for commercial fish farming. If no water use report is filed *or if the water use reported is not by water meter* for such year, the fee shall be based on the amount authorized for *public water supply,* industrial use or stockwatering in such year.

(d) The fee imposed by subsection (a)(1) shall be paid *by the owner of the permit* ~~quarterly by the public water supplier and shall be transmitted to the department of revenue~~ not later than 45 days following the end of each quarter. The *owner of the public water supply permit* ~~public water supplier~~ may collect the fee directly from each consumer to which water is sold at retail or may pay the amount owed ~~to the department~~ from moneys in its operating or other fund available for that purpose. The fees imposed by subsection (a)(2) and (3) shall be paid by the owner of the permit. If any retailer or permit owner fails to pay the fee required to be collected and paid under this section, there shall be added, to the unpaid balance of the fee, penalty and interest as prescribed under K.S.A. 79-3615 and amendments thereto for the late payment of sales tax.

(e) The director of ~~taxation~~ *the Kansas Water Office* shall administer, enforce and collect the fees imposed by this section. ~~All laws and rules and regulations of the secretary relating to the administration, enforcement and collection of the retailers' sales tax shall apply to such fee insofar as they can be made applicable, and the secretary~~ *The Director* shall adopt such additional rules and regulations as necessary for the efficient and effective administration, enforcement and collection thereof.

(f) The director of *the Kansas Water Office* ~~taxation~~ shall remit daily to the state treasurer all moneys collected from fees imposed pursuant to this section. Upon receipt thereof,

the state treasurer shall deposit the entire amount in the state treasury and credit it to the state water plan fund created by K.S.A. 82a-951.

(g) An owner of an industrial use permit who has a contract with the state for withdrawal and use of water pursuant to K.S.A. 82a-1301 *et seq.* and amendments thereto shall be exempt from the fee imposed by subsection (a)(2) on any water for which the permit owner is required to pay charges under such contract.

Session of 2000

SENATE BILL No. 634

By Committee on Ways and Means

2-15

AN ACT authorizing the Kansas water office to obtain loans under certain prescribed conditions; relating to the pooled money investment board.

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

Section 1. (a) Whenever it appears that the resources in any fiscal year commencing after June 30, 2000, are insufficient to meet in full the estimated expenditures as they become due to meet duties imposed by law on the water marketing fund of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office sufficient funds to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government, and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the director of the budget. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loan. Each such loan shall bear interest at a rate equal to the interest rate being paid on state inactive account moneys at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

(b) Upon certification by the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to subsection (a), the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts prescribed in subsection (a) to the water marketing fund of the Kansas water office.

(c) The principal and interest of each loan authorized pursuant to subsection (a) shall be repaid in payments payable at least annually for a period of not more than five years.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

PROPOSED LEGISLATION TO REESTABLISH THE WATER ASSURANCE FUND

Also amend K.S.A. 82a-1345 (a) "...The water assurance district shall determine the amount of the charge for each member and shall remit moneys to the Kansas water office for deposit in the fund created pursuant to K.S.A. 1986 Supp. 82a-1364." (*This citation should be for the fund created with the following language.)*

Water assurance fund created; purposes for which moneys may be expended from the fund. The Kansas water office may accept or receive moneys from any source, governmental or private, for the purposes for which expenditures may be made from the water assurance fund. The director shall remit all moneys so received to the state treasurer. Upon receipt of such remittance the state treasurer shall deposit the entire amount there of in the state treasury and credit such amount to the state water assurance fund.

(b) Moneys credited to the water assurance fund shall be used for the following purposes:

(1) Payment to the federal government of annual capital costs of water supply storage space in reservoirs under the water assurance act;

(2) payment to the pooled money investment board for repayment of costs associated with the purchase of storage space in federal reservoirs for use by water assurance districts;

(3) repayment to the water marketing fund for water supply storage space previously paid for with revenue from the water marketing fund, when such storage has been transferred to the water assurance program;

(4) payment to the federal government of annual operation, maintenance and repair costs associated with the water supply storage space dedicated for the use of water assurance districts, and;

(5) repayment to the water marketing fund and the state general fund for costs incurred by the state associated with the administration and enforcement of applicable state laws governing the operations and management of the water assurance program as provided in contracts with assurance districts.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the state water assurance fund, interest earnings based on:

(1) The average daily balance in the state water assurance fund; and,

(2) the net earnings rate for the pooled money investment board portfolio for the preceding month.

(d) All expenditures from the water assurance fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas water office or by a person designated by the director.

DRAFT

1-17-01
Kansas Water Office

CONCURRENT RESOLUTION NO.____

A Concurrent Resolution urging the Congress of the United States to provide funding to the United States Army Corps of Engineers to study reallocating storage space from the flood control pool to the conservation pool in John Redmond Lake in Coffey County, Kansas.

WHEREAS, The United States Army Corps of Engineers constructed John Redmond Dam on the Neosho River in Coffey County, Kansas for the purposes of flood control, water supply, water quality, recreation, and fish and wildlife; and

WHEREAS, The State of Kansas has signed contracts with the United States Army Corps of Engineers in 1975 and 1996 for the purchase of all available water supply storage space in the conservation pool of John Redmond Lake; and

WHEREAS, The State of Kansas has signed contracts with users for water supply from storage space in the conservation pool of John Redmond Lake; and

WHEREAS, Article 1 paragraph (f) of federal contract DACW56-75-C-0029 and Article 1 paragraph (e) (1) of federal contract DACW56-96-WS-0003 both indicate sedimentation surveys will be completed by the United States Army Corps of Engineers "at intervals not to exceed fifteen (15) years", and when "the findings of such survey indicate any Project purpose will be affected by unanticipated sediment distribution, there shall be an equitable redistribution of the sediment reserve storage space among the purposes served by the Project including" industrial and municipal water supply; and

WHEREAS, Hydrographic surveys of John Redmond Lake indicate that the conservation pool, and corresponding water supply storage space, is filling with sediment faster than was estimated during design of the lake; and

WHEREAS, Surveys of the storage contained in John Redmond Lake indicate sediment is entering the flood control pool more slowly than estimated during the design of the lake; and

WHEREAS, A reallocation of storage from the flood control pool to the conservation pool would allow for a more equitable distribution of storage and sediment between the pools and allow the State of Kansas to meet the needs of users for a longer period of time. Now; therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we urge the Congress of the United States to provide funding to the United States Army Corps of Engineers to study reallocating storage space from the flood control pool to the conservation pool in John Redmond Lake in Coffey County, Kansas; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States, George W. Bush; Chairman of the United States Senate Energy and Water Development Sub-Committee, c/o Committee on Appropriations, United States Senate, S-128, The Capitol, Washington, D.C. 20510; Chairman of the United States House of Representatives Energy and Water Development Sub-Committee, 2362 Rayburn House Office Building, Washington, D.C. 20515-6020; and each member of the Kansas Congressional Delegation.

1-17-01
Kansas Water Office

CONCURRENT RESOLUTION

A CONCURRENT RESOLUTION urging the Congress of the United States to address the conservation and preservation of the High Plains Aquifer.

WHEREAS, The High Plains Aquifer is the most important water resource in the eight states High Plains Region, including Kansas; and

WHEREAS, The water tables of the High Plains Aquifer, particularly in the Ogallala portion, in Kansas have declined dramatically over the past four decades;

WHEREAS, The projected depletion of the High Plains Aquifer will require the necessary transition to dryland farming for many areas of Kansas; and

WHEREAS, the State is addressing the ground water depletion through conservation programs and new management approaches; and

WHEREAS, the federal farm program has a significant impact on farmers' agricultural practices; and

WHEREAS, Some of the farm program costs to the government could be transferred as incentives to the farmers to convert irrigated land to dryland and other conservation actions instead of price supports for excess productions; and

WHEREAS, Much of the western Kansas economy is based on irrigated agriculture, and assistance is needed to transition the economy as well as conserve and preserve the High Plains Aquifer. Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we urge the Congress of the United States to take action to conserve and preserve the High Plains Aquifer consistent with the recommendation

contained in the Kansas Water Office Committee Report on Federal Actions Necessary For the Conservation and Environmental Preservation of The High Plains Aquifer dated October 27, 2000.

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution and the Committee Report to the President of the United States, George W. Bush; Senator Chairman, Senate Committee on Agriculture, Nutrition, and Forestry; Representative Larry Combest, Chairman, House Committee on Agriculture, 1301 House Office Building, Washington, D.C.; Secretary of Agriculture; and each member of the Kansas Congressional Delegation.

Kansas Department of Health and Environment

KDHE Mausoleum Bill

2001 Legislative Session

Need for Legislation

Existing state law requires the secretary of KDHE to approve of all plans to build or modify mausoleums or vaults by cemetery corporations. This approval program is currently administered by the Bureau of Waste Management through a "mausoleum permitting program." It is proposed that this approval process be shifted to the Board of Mortuary Arts where more expertise should exist regarding proposed plans and specifications.

Proposed Statutory Changes

K.S.A. 17-1324 should be changed by replacing "secretary of health and environment" by "executive secretary of the board of mortuary arts."

Fiscal Impact

The impact on KDHE will be negligible because only a small effort is spent on reviewing and approving mausoleum plans. Only one or two mausoleum applications have been received by the department each year. The impact on the Board of Mortuary Arts is unknown; however, given the small number of new facilities should make the impact minor.

House Environment
1-16-01
Attachment 3

Kansas Department of Health and Environment

Miscellaneous Solid Waste Amendments

2001 Legislative Session

Need for Legislation

Several provisions of the solid waste statutes require updates to facilitate the most effective state regulatory program. All of the changes relate to facility permitting, grants, and enforcement.

Proposed Statutory Changes

Permitting

- KDHE would receive new authority to waive permitting requirements for solid waste transfer stations or for temporary solid waste storage sites in times of natural disasters such as tornados, floods, fires, etc.

- Solid waste permit holders will be prohibited from breaking up a permitted site and selling off portions of the site without receiving KDHE approval.

- KDHE authority to revoke all types of solid waste permits in response to violations of state solid waste laws and regulations would be confirmed.

Definitions

- The definition of "solid waste" is expanded to include waste tires, primarily to address enforcement needs.

- The definition of "solid waste disposal area" is revised to include the entire permitted area, not just the disposal cells.

Grants

- Eligibility for solid waste reduction grants is expanded to include schools, colleges, universities, and state agencies.

- Grant eligibility criteria is revised to confirm that all applicants have paid all applicable tipping fees.

Fiscal Impacts

None

Kansas Department of Health and Environment

Proposed Update to State Waste Tire Program

2001 Legislative Session

Need for Legislation

Current law eliminates the state's role in the abatement of environmental problems caused by the illegal management and disposal of waste tires after July 1, 2001. Problems which occur after that date must be addressed by counties if the responsible party is unknown, or unable or unwilling to perform required abatement activities. The state's role in the waste tire program diminshes after July 1, 2001 to include permitting, standard enforcement, and the administration of an enforcement grant program where local governments help to minimize future problems.

KDHE held a waste tire public meeting in 2000 to educate affected parties of the coming changes and to solicit comments as to the impacts of the changing state and local roles. Overall consensus in the government and business sectors was reached in several areas. This proposed bill recommends a comprehensive future program which tries to achieve the key recommendations which were presented and discussed during the public meeting.

Statutory Changes

- Maintain the tire excise tax at $.50 per tire to provide adequate funding for all waste tire programs now and into the future (rather than decrease the tax to $.25 per tire).
- Limit state clean-up authority after July 1, 2001 to include only those cases where the responsible party is unknown, or unable or unwilling to perform the required clean-up work. Like the existing solid waste clean-up program, a local match of 25% by the city or county is recommended.
- Limit the existing waste tire enforcement grant program to counties with populations above 100,000. Enforcement in all other counties will be more efficiently handled by additional KDHE staff assigned 20 or 30 counties each.
- Establish a new waste tire grant program to stimulate the establishment of in-state processing businesses capable of producing tire-derived products for playgrounds, running tracks, hiking trails, or other projects. Cities, counties, schools, hospitals and other entities could receive grants paying up to 75% of the cost of such products.
- Allow processed waste tires to be disposed of in municipal solid waste landfills
- Revise the definition of waste tire "processing" to clarify that "baling" can be for disposal of beneficial uses.

Fiscal Impact

By keeping the excise tax at $.50 per tire, revenue would stay at its current level of about $1.4 million per year. The retained revenue (about $700,000) would be used primarily for clean-up actions, interim measures to minimize risks while awaiting clean-up, and grants for the purchase of recycled tire products.