

MINUTES OF THE HOUSE ENVIRONMENT COMMITTEE

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on January 22, 2004 in Room 231-N of the Capitol.

All members were present except:

Representative Joann Freeborn- excused
Representative John Faber- excused
Representative Joshua Svaty- excused
Representative Sharon Schwartz- excused

Committee staff present:

Raney Gilliland Legislative Research Department
Mary Torrence, Revisor of Statutes
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Shelia Frahm, Chair, Natural Resources Legacy Alliance, 109 SW 9th Street, Suite 500, Topeka, KS 66612-1215
Steve Irsik, Chairman, KS Water Authority, 901 SW Kansas, Topeka, KS 66612-1249
Joe Harkins, Director, KS Water Office, 901 SW Kansas, Topeka, KS 66612-1249
Tracy Streeter, Advisor & Executive Director, State Conservation Commission, 109 SW 9th Street, Suite 500, Topeka, KS 66612-1215
John Strickler, Vice-Chairman, Natural Resources Legacy Alliance, 109 SW 9th Street, Suite 500, Topeka, KS 66612-1215

Others attending: See Attached List.

Vice-Chairman Lee Tafanelli called the meeting to order in Chairperson Joann Freeborn's absence. Chairperson Freeborn went to Fort Riley with a group to say farewell to troops leaving for duty in Iraq. Chairman Tafanelli called the committee's attention to a memo from Chairperson Freeborn, that had been distributed, which explains the reason she signed the Kansas Natural Resource Legacy Alliance with a disclaimer of "without endorsement." (See attachment 1)

The Chairman asked if anyone had a bill request at this time. No one came forward.

The Chairman welcomed Shelia Frahm, Chairperson, Kansas Natural Resources Legacy Alliance, to the committee. She and other KNRLA members presented the Final Report of the KNRLA and answered questions concerning the report. As provided by the 2002 Kansas Legislature in SB 504, the Alliance was charged to "develop a vision for using the state's natural resources to assure economic development, a healthy environment, proper protection of natural resources, opportunities for natural resource and environmental education, and quality of life for Kansas families and individual citizens". To meet that charge, the Alliance has organized, held hearings, reviewed current and anticipated future activities of local, state and federal agencies, and provided specific recommendations and strategies for the legislature's consideration. While the task was daunting, the Alliance members and advisors realized immediately the opportunity created in SB 504 is a once in a lifetime opportunity for Kansas. Many of the Alliance members have served on statewide study and review committees/groups to consider important issues such as energy, water, economic development, education and finances. It seems apparent it may be many years before another group such as the KNRLA is again charged with such a comprehensive assignment. With this in mind, the KNRLA did not want to deliver another report that might begin to collect dust. Testimony and review indicate that key leaders have already begun the coordination and communication, and can be charged to develop further recommendations including but not limited to: (1) land use planning and management; (2) groundwater quantity and quality; (3) recognizing and planning for changing demographics; (4) adequate and reliable funding for natural resource use and preservation; (5) conservation on working lands; (6) economic development and tourism; (7) natural resource and

CONTINUATION SHEET

MINUTES OF THE HOUSE ENVIRONMENT COMMITTEE at 3:30 p.m. on January 22, 2004 in Room 231-N of the Capitol.

environmental education for youth, adults and elected officials; (8) and, balancing private property rights with an assurance of quality of life for all Kansas citizens. (See attachment 2) A copy of SWPF FY 2004-2005 Expenditures was distributed for review. (See attachment 3)

Steve Irsik, Chairman, Kansas Water Authority, was welcomed. He believes in order to meet the vision of improved protection and management of natural resources for the state of Kansas, there are six public policy/management issues identified, six recommendations to address these issues, and 12 strategies that should be implemented at the state and local level. Adoption of these recommendations and strategies will allow Kansas to properly deal with natural resource policy and management. The first issue is a real need to strengthen, on an on-going, basis communication and interaction among all public and private interests concerned about natural resources policy and management.

Joe Harkins, Director, Kansas Water Office, was welcomed. He addressed the issue of education. A need exists to improve natural resource and environmental education in the K-12 formal education process, higher education, and the non-formal youth and adult education areas.

Tracy Streeter, Advisor, Director, State Conservation Commission, was welcomed. He believes conservation and increased protection of the soil, water, wildlife and plant resources are necessary to meet increased demands for natural resources and maintain a viable diverse economy. Also, promote the use of voluntary conservation easements through private, state and federal programs as a means of protecting prime farmlands and unique landscapes.

John Strickler, Vice-Chair, KNRLA, was welcomed. He addressed the issue of Economic Development/Outdoor Recreation and Tourism. The changing demographics of Kansas require that the state be proactive in meeting the future needs for economic development, providing green space and outdoor recreation, and tourism. Access to additional public and leased private land is necessary to meet the current and anticipated future demand for outdoor recreation and tourism. These activities will lead to a more diverse and stable economy. Growing demands for outdoor recreation from expanding urban centers and communities throughout the state are creating pressures and opportunities for both public and private lands.

Committee questions and discussion followed. Randy Allen, Kansas Association of Counties, was in attendance to answer committee questions.

Chairman Tapanelli recognized Rep. Tom Sloan.

Rep. Tom Sloan made a motion "A Concurrent Resolution acknowledging receipt of the final report of the Kansas Natural Resources Legacy Alliance; expressing appreciation for the work of the Alliance; urging the Governor to develop and submit to the Legislature an implementation plan based on the recommendations contained in the final report of the Alliance", be introduced. Rep. Dan Johnson seconded the motion. Motion carried. (See attachment 4)

The Chairman recognized Rep. Vaughn Flora.

Rep. Vaughn Flora made a motion "An act concerning certain recreational trails; relating to remedies for failure to comply with law", be introduced. Rep. Dan Thimesch seconded the motion. Motion carried.

Chairman Tapanelli thanked Shelia Frahm, Chairperson, KNRLA and members for their presentation. He reviewed the committee agenda for next week, Tuesday, January 27, Committee bill requests, Hearing on **HB2480** - Membership of the Kansas Water Authority, and a review on Mountain Lion existence in Kansas. Thursday, January 29, Committee bill requests and an update on Well Plugging and Remediation Activities by the Kansas Corporation Commission.

The meeting adjourned at 4:25 p.m. The next meeting is scheduled for Tuesday, January 27, 2004.

JOANN LEE FREEBORN
 REPRESENTATIVE 107TH DISTRICT
 CLOUD, LINCOLN, OTTAWA
 AND PART OF DICKINSON COUNTIES
 1904 N 240TH RD.
 CONCORDIA, KANSAS 66901-6825
 785-446-3675



TOPEKA
 HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS

CHAIR: ENVIRONMENT
 MEMBER: AGRICULTURE
 FEDERAL AND STATE AFFAIRS

STATE CAPITOL, RM. 281-W
 TOPEKA, KS 66612-1504
 785-296-7645
 1-800-432-3924
 e-mail: Freeborn@house.state.ks.us

Memo

From: Environment Chairperson Joann Freeborn

To: House Environment Committee Members and other interested parties

Date: January 21, 2004

Re: Reason I signed the Kansas Natural Resource Legacy Alliance with a disclaimer of "without endorsement."

As Chairperson of the House Environment Committee, I wanted to express my concerns regarding the recommendations contained in the final report of the Kansas Natural Resources Legacy Alliance and with that concern allow the committee process to work with any policy changes which may be implemented. The following outlines some of my concerns.

The recommendations and proposed concurrent resolution present a major change in public policy on water issues. In my opinion, such changes should receive full public disclosure and be open to legislative discussion. In addition, there is a lack of clarity regarding what the responsibilities of the Kansas Water Office and the Kansas Water Authority would be under these recommendations.

I am also concerned that there is no recommendation for how Kansas Water Plan monies will be allocated. With the information currently available, the fee payers under the Kansas Water Plan do not have definitive language as to how their dollars would be allocated. Under the proposal, the state agencies of Kansas take on more influence as they are added as non-voting members at the table. At the time this was discussed I indicated that production agriculture was not specifically represented. My position was not well received.

Finally, I believe that I have a number of unanswered questions regarding the report that need to be answered before I endorse any sweeping policy change such as that being proposed.

*House Environment
 1-22-04
 Attachment 1*

Sheila Frahm, Colby
Governor's Appointee

John Strickler, Manhattan
Governor's Appointee

Wanda Adams, Plains
Governor's Appointee

Dick Weisser, Stilwell
Senate President Appointee

Brant Peterson, Johnson
Senate President Appointee

Lisa French, South Hutchinson
Senate President Appointee

Stephen Irsik, Ingalls
Senate Minority Leader Appointee

Cindy Luxem, Topeka
Represents Senate Minority Leader

Rep. Dan Johnson, Hays
Speaker of the House Appointee

J.D. Rector, Sedan
Speaker of the House Appointee

Carolyn Wulfschlegel, LeCompton
Speaker of the House Appointee

Rep. Melvin Minor, Stafford
Represents House Minority Leader

Mary Fund, Goff
House Minority Leader Appointee

Sen. Tim Huelskamp, Fowler
Chair, Senate Natural Resources
Committee Appointee

Rep. Joann Freeborn, Concordia
Chair, House Environment
Committee

Nonvoting Advisors:

Secretary, Kansas Department
of Wildlife and Parks

Secretary, Kansas Department
of Agriculture

Executive Director, State
Conservation Commission

Secretary, Kansas Department
of Health and Environment

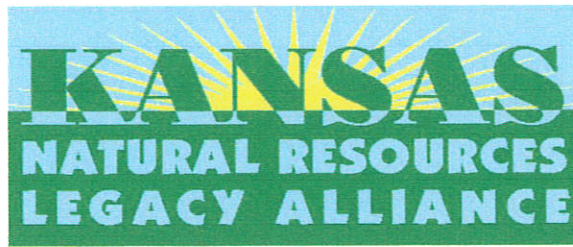
Director, Kansas Water Office

State Forester, Kansas Forest Service

Secretary, Kansas Department
of Commerce and Housing

President, Kansas Farm Bureau

President, Kansas Livestock
Association



Sheila Frahm
Chair

John Strickler
Vice Chair

109 SW 9th Street, Suite 500/ Topeka, KS 66612-1215 (785) 296-3600
www.kdwp.state.ks.us/alliance/alliance.html

MEMORANDUM

TO: Chairperson Joann Freeborn, Vice-Chairman Lee Tafanelli
and the House Environment Committee

FROM: Sheila, Frahm, Chair

DATE: January 22, 2004

RE: KNRLA Final Report

Thank you Madam Chair, Mr. Vice-Chairman and members of the Committee for the opportunity to present the Final Report of the Kansas Natural Resources Legacy Alliance. Attached to this Memorandum is the December 16, 2003 testimony presented to the Legislative Coordinating Council and a copy of the KNRLA Final Report.

Accompanying me today to present information and respond to questions are:

John Strickler	KNRLA Member and Vice-Chair
Steve Irsik	KNRLA Member and new Chairman of the Kansas Water Authority
Joe Harkins	KNRLA Advisor and Director of the Kansas Water Office
Tracy Streeter	KNRLA Advisor and Executive Director of the State Conservation Commission

Attachments

*House Environment
1-22-04
Attachment 2*



Sheila Frahm, Chair

John Strickler, Vice-Chair

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**Legislative Coordinating Council
December 16, 2003**

**Presentation of the Kansas Natural Resources Legacy Alliance Final Report
Sheila Frahm, Chairperson**

Thank you Chairman Kerr and members of the Council for the opportunity to discuss the Kansas Natural Resources Legacy Alliance Final Report. It is with pleasure the Alliance has prepared and releases this document to you.

As provided by the 2002 Kansas Legislature in SB 504, the Alliance was charged to “develop a vision for using the state’s natural resources to assure economic development, a healthy environment, proper protection of natural resources, opportunities for natural resource and environmental education, and quality of life for Kansas families and individual citizens”. To meet that charge, the Alliance has organized, held hearings, reviewed current and anticipated future activities of local, state and federal agencies, and provided specific recommendations and strategies for your consideration.

While the task was daunting, the Alliance members and advisors realized immediately the opportunity created in SB 504 is a once in a lifetime opportunity for Kansas. Many of the Alliance members, like you, have served on statewide study and review committees/groups to consider important issues such as energy, water, economic development, education and finances. It seemed apparent to us it may be many years before another group such as the KNRLA is again charged with such a comprehensive assignment. With this in mind, we did not want to deliver another report that might begin to collect dust.

Still, our task was easy compared to the challenge that now faces you as our Kansas leaders. It soon became evident to the Alliance membership, and we believe it will be to you also, that without an intentional and ongoing plan for coordination of ALL natural resources, it will be hard to assure the most effective use of our very valuable Kansas resources. For this reason, we recommend you consider the establishment of a Kansas Natural Resources Authority (KNRA), to replace the Kansas Water Authority. This KNRA would be charged with planning responsibility for all areas of natural resources to assure a quality of life for all Kansas citizens with clean air, water and food production necessary for the future; while at the same time recognizing our Kansas tradition of limited public ownership of land and private property rights. And further, we recommend that a mediation type process (such as the Enlibra Process, which was developed by the Western Governors Association for natural resource deliberations) be established to assure a voice for all interests. Within the Executive Branch, Governor Sebelius has already created a Natural Resources Sub-Cabinet.

Kansas Natural Resources Legacy Alliance Final Report
Legislative Coordinating Council
December 16, 2003
Page 2

Testimony and review indicate that these key leaders have already begun this coordination and communication, and can be charged to develop further recommendations including but not limited to:

1. land use planning and management;
2. groundwater quantity and quality;
3. recognizing and planning for changing demographics;
4. adequate and reliable funding for natural resource use and preservation;
5. conservation on working lands;
6. economic development and tourism;
7. natural resource and environmental education for youth, adults and elected officials;
8. and, balancing private property rights with an assurance of quality of life for ALL Kansas citizens.

The KNRLA does not paint a picture of immediate or even pending catastrophe, but rather recognizes the potential, in fact, the critical and urgent need for decisive intentional decision making for the future of Kansas. We recognize there will be ongoing questions, many considerations to be reviewed, expected controversy and yes, compromises to make as these suggestions are considered. However, the risk of not considering the future of Kansas Natural Resources and the potential benefits to be derived makes our recommendations take on a whole new light.

The Leadership, members and advisors of the Kansas Natural Resources Legacy Alliance look forward to discussions in the 2004 Legislative session. While the KNRLA has completed its assignment with this report, we will specifically recommend a House, Senate or Concurrent Resolution encouraging "next step" planning by Governor Sebelius with her natural resources officials, designated legislative leaders and private sector leaders to fully develop the options and strategy for a Kansas Natural Resources Authority to be considered by the 2005 Legislature. This process can lead to development of "plans of action" along with staffing and funding recommendations and strategies to "put the meat" on the findings and proposals of the KNRLA.

Thank you for your insights in creating this opportunity. Best wishes as you move to the next steps necessary to assure the protection and proper management of natural resources of Kansas.

SWPF FY2004-2005 Expenditures

Agency and Program	FY 2004 Gov. Est.	FY 2005 Gov. Rec.	SWPF FY 2004- 2005 Diff.
University of Kansas			
Geological Survey	\$ 40,000	\$ 40,000	\$ -
Department of Agriculture			
Floodplain Management	\$ 65,836	\$ 66,852	\$ 1,016
Water Appropriations	\$ 74,420	\$ 71,302	\$ (3,118)
Interstate Water Issues	\$ 240,076	\$ 248,859	\$ 8,783
Water Use Study	\$ 60,000	\$ 60,018	\$ 18
Subbasin Water Resources Mgt.	\$ 483,538	\$ 477,826	\$ (5,712)
Total--Dept. of Agriculture	\$ 923,870	\$ 924,857	\$ 987
State Conservation Commission			
Water Resources Cost-Share	\$ 4,228,478	\$ 3,495,218	\$ (733,260)
Nonpoint Source Pollution Asst.	\$ 2,987,793	\$ 2,799,520	\$ (188,273)
Conservation District Aid	\$ 1,043,000	\$ 1,043,000	\$ -
Multitpurpose Small Lakes	\$ -	\$ -	\$ -
Watershed Dam Construction	\$ 362,212	\$ 352,499	\$ (9,713)
Buffer Initiatives	\$ 278,031	\$ 307,157	\$ 29,126
Riparian and Wetland Program	\$ 250,480	\$ 249,782	\$ (698)
Water Rights Purchase	\$ -	\$ -	\$ -
Total--Conservation Commission	\$ 9,149,994	\$ 8,247,176	\$ (902,818)
Health & Environment--Environment			
Contamination Remediation	\$ 1,060,434	\$ 983,867	\$ (76,567)
Local Environmental Protection	\$ 1,674,856	\$ 1,502,737	\$ (172,119)
Nonpoint Source Technical Asst.	\$ 387,939	\$ 385,975	\$ (1,964)
TMDL Initiatives	\$ 346,224	\$ 320,088	\$ (26,136)
Total--Health & Environment	\$ 3,469,453	\$ 3,192,667	\$ (276,786)
Kansas Water Office			
Assessment & Evaluation	\$ 204,220	\$ 108,511	\$ (95,709)
Federal Cost-Share Programs	\$ 88,094	\$ -	\$ (88,094)
GIS Data Base Development	\$ 250,000	\$ 247,405	\$ (2,595)
MOU--Operations & Maintenance	\$ 431,291	\$ 450,151	\$ 18,860
Ogallala Aquifer Institute	\$ 40,000	\$ -	\$ (40,000)
PMIB Loan Payment for Storage	\$ 237,477	\$ 240,036	\$ 2,559
Public Information	\$ 35,000	\$ -	\$ (35,000)
Stream Gaging Program	\$ 367,830	\$ 378,878	\$ 11,048
Technical Assist. to Water Users	\$ 339,737	\$ 180,131	\$ (159,606)
Water Planning	\$ 179,710	\$ 313,205	\$ 133,495
Water Resource Education	\$ 55,000	\$ 29,690	\$ (25,310)
Weather Modification	\$ 4,305	\$ -	\$ (4,305)
Kansas Water Authority	\$ 25,000	\$ 37,384	\$ 12,384
Total--Kansas Water Office	\$ 2,257,664	\$ 1,985,391	\$ (272,273)
Wildlife & Parks			
Stream Monitoring	\$ 40,000	\$ -	\$ (40,000)
Circle K Ranch Debt Service	\$ -	\$ 440,491	\$ 440,491
Total--Wildlife and Parks	\$ 40,000	\$ 440,491	\$ 400,491
Kansas Corporation Commission			
Oil & Gas Well Plugging	\$ -	\$ 367,000	\$ 367,000
* DOB treating as revenue transfer			
Total	\$ 15,880,981	\$ 15,197,582	\$ (683,399)

*House Environment
1-22-04
Attachment 3*

CONCURRENT RESOLUTION NO.

By _____

A CONCURRENT RESOLUTION acknowledging receipt of the final report of the Kansas Natural Resources Legacy Alliance; expressing appreciation for the work of the Alliance; urging the Governor to develop and submit to the Legislature an implementation plan based on the recommendations contained in the final report of the Alliance.

WHEREAS, The Kansas Natural Resources Legacy Alliance was created by the Legislature in 2002; and

WHEREAS, The Kansas Natural Resources Legacy Alliance was charged to develop a vision for using the state's natural resources to assure economic development, a healthy environment, proper protection of natural resources, opportunities for natural resource environmental education and quality of life for Kansas families and individual citizens; and

WHEREAS, The Legislature directed the Kansas Natural Resources Legacy Alliance to submit a final report to the Governor and Legislature in December 2003; and

WHEREAS, The final report was submitted to the Governor and Legislature as requested: Now, therefore,

Be it resolved by the _____ of the State of Kansas, the _____ concurring therein: That the Legislature expresses its appreciation to the members of the Kansas Natural Resources Legacy Alliance and their advisors for their diligent efforts and successful completion of their charge; and

Be it further resolved: That the Legislature urges the Governor to develop an implementation plan based on the recommendations contained in the final report of the Alliance and further urges the Governor to submit the plan, and any legislative changes and budget proposals necessary to implement the plan, to the Legislature for consideration during the 2005 legislative session; and

Be it further resolved: That the Legislature recommends that the implementation plan be prepared utilizing the state water planning process to assure ample opportunity for public involvement and input and that the Governor appoint an advisory committee to assist in developing the plan; and

Be it further resolved: That the Secretary of State is directed to send an enrolled copy of this resolution to the Governor of the State of Kansas.

House Environment
1-22-04
ATTACHMENT 4