

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 3:30 p.m. on February 25, 2010, in Room 783 of the Docking State Office Building.

Representative Johnson - Excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Corey Carnahan, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Pat Matzek, Committee Assistant

Conferees appearing before the Committee:

Dave Starkey, Chief Legal Counsel, Kansas Department of Agriculture
Tracey Streeter, Director, Kansas Water Office
Brownie Wilson, Kansas Geological Survey

Others attending:

See attached list.

Chairman Powell opened the meeting with introduction of Tracey Streeter, Director, Kansas Water Office, who gave a brief synopsis of the Geographic Information System (GIS) Policy Board, and his introduction of Brownie Wilson, Kansas Geological Survey, with his presentation of Geospatial Data for Decision Makers.

Mr. Wilson spoke on several examples of GIS-based data and applications (Attachment 1):

LiDAR Elevation Data

- LiDAR = Light Detection and Ranging,
- Generally airborne,
- Measures the elevation of underlying objects,
- High Data resolution.

LiDAR - Application example

- Kansas Biological Survey's (KBS) Flood Inundation Mapping Project,
- Identifies flood prone areas based on river flood stages and land surface elevation,
- Not intended to replace traditional surveying methods.

Master Well Inventory-The Issue

- State, local and federal agencies independently maintain their own databases,
- Each database is attributed with information relevant to the agencies' mission and responsibilities,
- Single well locations are replicated across databases without coordination.

Solution:

- Create a stand-alone, master groundwater well inventory that indexes the independent well databases into a single accessible source.

Concluding Remarks

- Kansas is GIS data rich because of the foundation laid by the GIS Policy Board and State Water Plan Fund.
- Data Access and Support Center is the State's GIS repository archives and serves massive amounts of spatial data.
- In the hands of GIS professionals, this data can readily be turned into information.

After conclusion of the presentation, the hearing was opened on **SB 393** - Department of Agriculture administrative hearings.

CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Committee at 3:30 p.m. on February 26, 2010, in Room 783 of the Docking State Office Building.

Hearing on SB 393:

Raney Gilliland, Kansas Legislative Research Department, gave an explanation of **SB 393**, stating this bill deals with the issue of administrative hearings, specifically before the Department of Agriculture (agency), and that a number of statutes are being amended by this bill dealing with suspensions of licenses or permits. Under the current statutes, the agency is required to provide notice to the individual or entity of the license or permit and provide a hearing, and what this bill would do instead of actually having to provide a hearing, it would substitute that language with "provide the opportunity for a hearing". The agency has testified that in many cases, the person with the potential suspension of the license or permit is not interested in a hearing, yet the agency absorbs the costs of providing the hearing even though no one is interested in attending the hearing. As a cost saving effort, the agency has come in and asked for a number of statutes to be amended. Mr. Gilliland further added that in section 1 on line 17 of the bill that concerns the Kansas Dairy Law, which authorizes the Secretary of Agriculture to temporarily suspend any licenses or permits issued without a hearing and subject to notice requirements of the emergency adjudication procedures of the provisions of the Kansas administrative procedure act, that the temporary suspension under the provision could not exceed 90 days.

Dave Starkey, Chief Legal Counsel, Kansas Department of Agriculture, appeared as a proponent of **SB 393** (Attachment 2), testifying that the requested revisions would make the statutes consistent with other similar statutes administered by the Department of Agriculture, be consistent with the provisions of the Kansas Administrative Procedure Act regarding licensure, would provide due process rights to a licensee, make the process more efficient, and reduce costs.

After questions were asked by members of the Committee, the hearing was closed on **SB 393**.

Chairman Powell announced the Subcommittee meeting on **HB 2493** would be held on Friday, February 26, at 1:00 p.m., in Room 142-S. Representative Tony Brown would replace Representative Maloney as a member of this Subcommittee.

The next meeting is scheduled for March 1, 2010.

The meeting was adjourned at 4:23 p.m.

Geospatial Data for Decision Makers

Examples of GIS-Based Data and Applications

Kansas House Agriculture and Natural Resources Committee
February 25, 2010



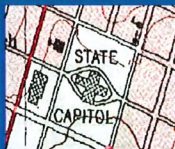
Brownie Wilson
Kansas Geological Survey
University of Kansas

Kansas GIS Initiative- Structure

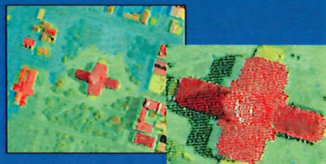


LiDAR Elevation Data

- LiDAR = Light Detection and Ranging
- Generally airborne
- Measures the elevation of underlying objects
- High data resolution

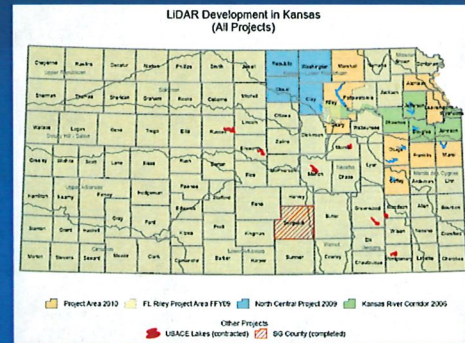


7.5 Minute USGS Topographic Map with 10' contours



Raw LiDAR points capable of producing 2" contours
Source: Kansas State University, 2008

LiDAR Progress

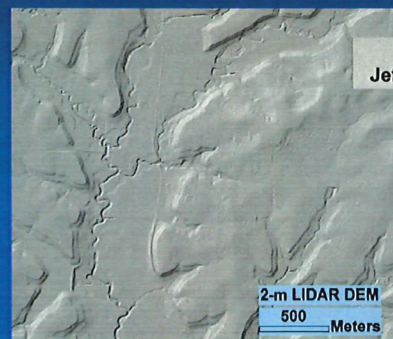


Source: Kansas Water Office

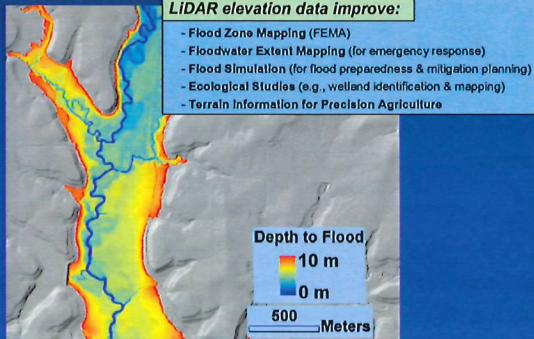
LiDAR- Application Example

- Kansas Biological Survey's (KBS) Flood Inundation Mapping Project
- Identifies flood prone areas based on river flood stages and land surface elevation
- Not intended to replace traditional surveying methods
- For more information contact Jude Kastens at jkastens@ku.edu

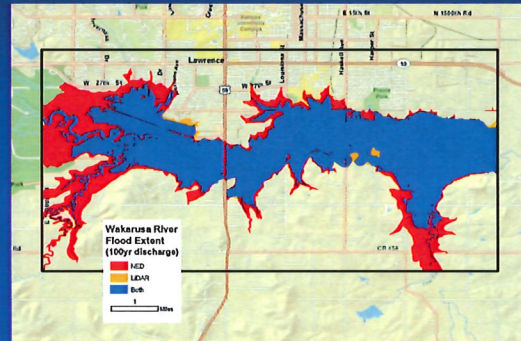
KBS Flood Inundation Mapping Project



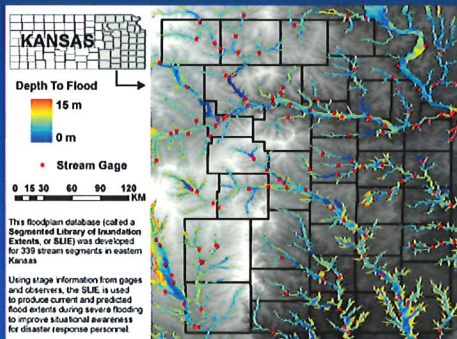
KBS Flood Inundation Evaluation



KBS Flood Inundation Evaluation



KBS Flood Inundation Mapping Project



<http://www.kars.ku.edu/geodata/maps/depth-flood-eastern-kansas/>

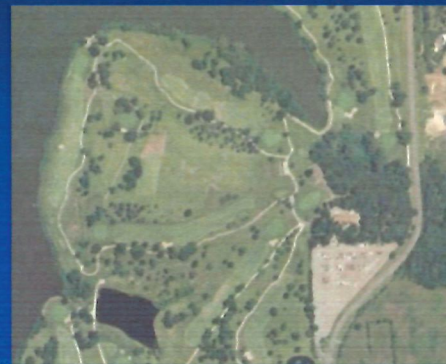
ImageServer

- DASC archives over 5 terabytes (5,000 gb) of aerial and satellite imagery
- Serves the data over the Internet
- Includes both state-wide and local sources
- Support for multiple software platforms

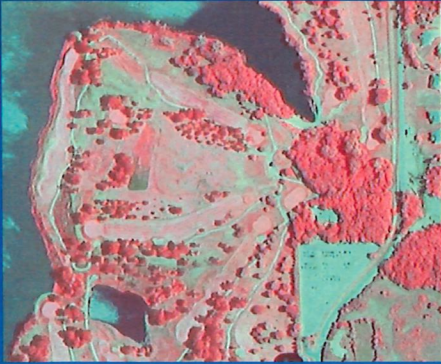
ImageServer- Black and White



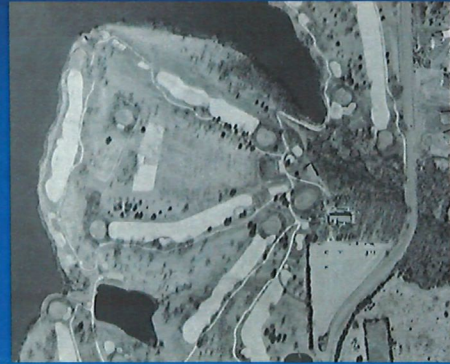
ImageServer- Color



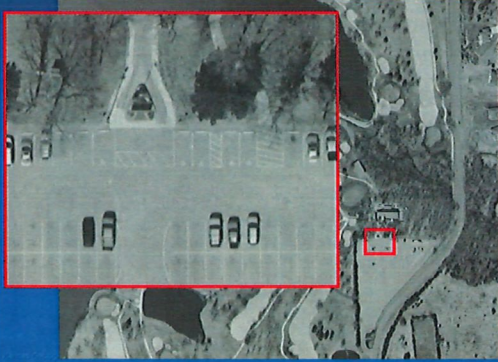
ImageServer- Infrared



ImageServer- Local (Shawnee County)



ImageServer- Local (Shawnee County)



Power of the Point



Most aquifer properties and characteristics are estimated from point-based sources (e.g., ground-water wells)

Kansas Primary Ground-water Well Repositories

WWC5

- Kansas Department of Health and Environment
- Water Well Records, lithologic logs
- Required submission by drilling companies since 1974
- Currently, the most comprehensive inventory

WRIS (WIMAS)

- Kansas Department of Agriculture, Division of Water Resources
- Water Rights Information System
- Water right allocations and historic water use

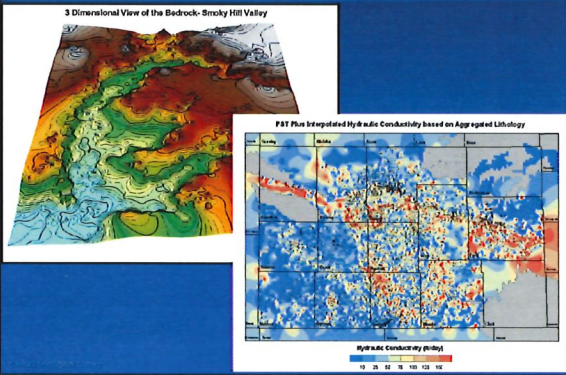
WIZARD

- Kansas Geological Survey
- Water Information System and Retrieval Database
- Database of depth to water measurements

WWC5- Lithology Data

| FROM | TO | DESCRIPTION | FROM | TO | DESCRIPTION |
|------|-----|---|------|-----|--|
| 0 | 116 | clay | 255 | 263 | clay and fine gravel silt |
| 116 | 166 | clay w/trace fine gravel and sandstone layers | 263 | 276 | fine gravel w/trace streaks |
| 166 | 167 | clay and sandstone | 276 | 288 | fine gravel |
| 167 | 183 | coarse sand/fine gravel with trace of sandstone | 288 | 302 | sandstone and clay layers with trace of silt |
| 183 | 189 | clay | 302 | 320 | ochre and shale |
| 189 | 208 | sandstone and limestone | | | |
| 208 | 216 | coarse sand with sandstone | | | |
| 216 | 223 | sandstone and limestone | | | |
| 223 | 230 | coarse sand and fine gravel | | | |
| 230 | 236 | sandstone and coarse sand | | | |
| 236 | 240 | limestone | | | |
| 240 | 248 | sandstone and coarse sand | | | |
| 248 | 255 | coarse sand w/trace fine gravel | | | |

WWC5- Applications

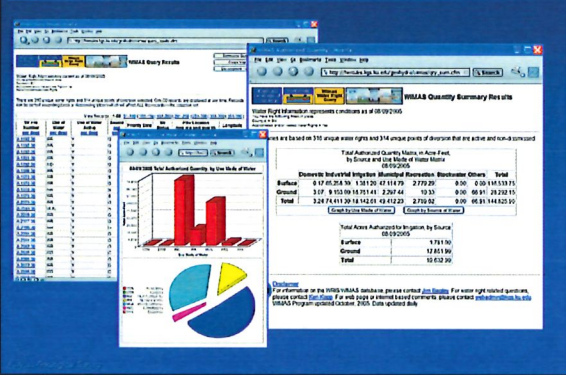


WRIS- Water Rights Data

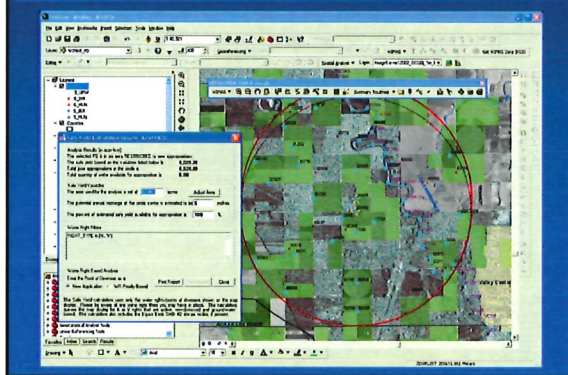


Water rights are highly regulated in terms of authorized amounts, places of use, reported usage, etc...

WRIS- WIMAS Web Application



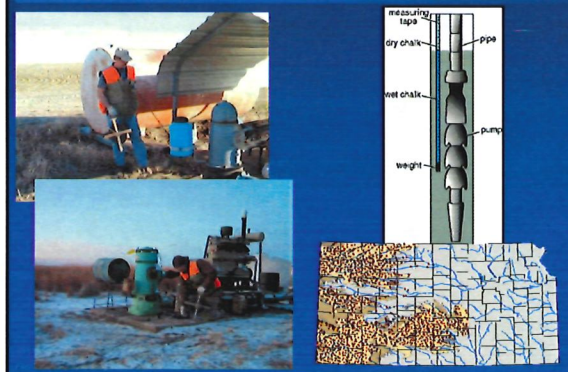
WRIS- Desktop Application



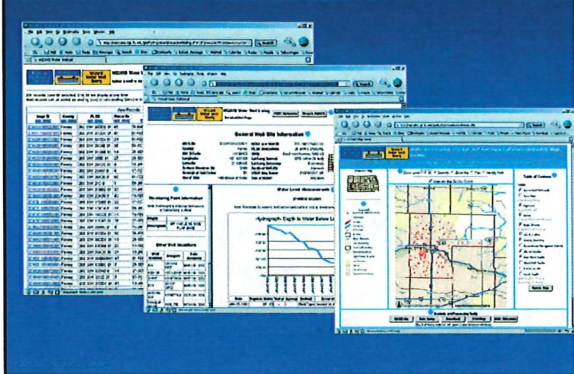
WRIS- Desktop Application



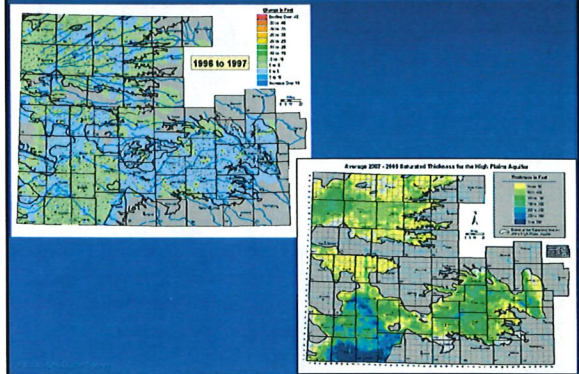
WIZARD- Water Level Measurements



WIZARD- Web Application



WIZARD- Desktop Applications



Master Well Inventory- The Issue

Kansas does not have a comprehensive, single-source inventory of freshwater wells in the state.

- State, Local, and Federal agencies independently maintain their own databases
- Each database is attributed with information relevant to the agencies' mission and responsibilities
- Single well locations are replicated across databases without coordination

A Possible Solution

Kansas does not have a comprehensive, single-source inventory of freshwater wells in the state.

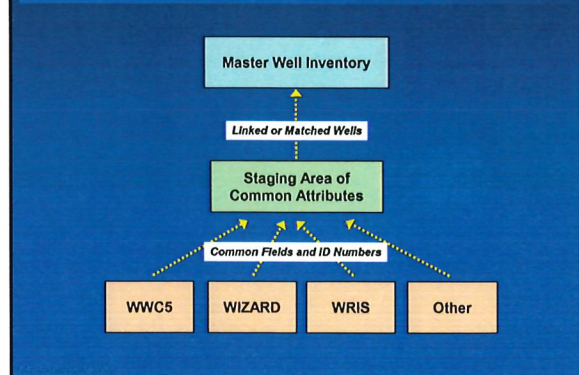
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Create a stand-alone, master ground-water well inventory that indexes the independent well databases into a single accessible source.

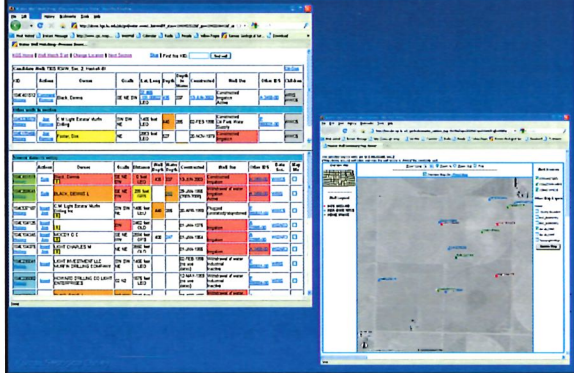
An Example



Well Matching Methodology



Master Well Inventory- Matching Interface



Concluding Remarks

- Kansas is GIS data rich because of the foundation laid by the GIS Policy Board and State Water Plan Fund
- DASC is the State's GIS repository archives and serves massive amounts of spatial data
- In the hands of GIS professionals, this data can readily be turned into information

Questions????

Kansas Geological Survey/
Data Access and Support Center
1930 Constant Ave
Lawrence, KS 66047
785-864-2118



Visit our site at
<http://www.kgs.ku.edu>
<http://www.kansasgis.org/>

**Testimony on SB 393
to
The House Agriculture and Natural Resources Committee**

**by Dave Starkey
Chief Legal Counsel
Kansas Department of Agriculture**

February 25, 2010

Good afternoon, Chairman Powell and members of the committee. I am Dave Starkey, chief legal counsel with the Kansas Department of Agriculture. I am here in support of Senate Bill 393.

The main provisions of the bill relate primarily to action taken on licenses and permits. The Kansas Administrative Procedure Act (KAPA) provides that a state agency may not revoke, suspend, modify, annul, withdraw, refuse to renew, or amend a license unless the state agency first gives notice and an opportunity for a hearing in accordance with that act. This assumes that the relevant statute expressly states that KAPA governs the administrative proceeding.

Many of the statutes which the department administers and enforces say licensing action can be taken only after "notice and hearing." If a licensing action is deemed warranted under those statutes, then a hearing is scheduled with a presiding officer from the Office of Administrative Hearings (OAH) and notice of the hearing is given to the licensee at the time the action is commenced. In some cases, the licensee does not appear or does not want the hearing. But, department personnel have to appear and be ready to proceed because the statutes require it. This process commits resources and incurs costs with OAH. The proposed change to "notice and opportunity for hearing" now exists in other statutes which KDA administers and enforces.

The final change is the implementation of a new statute under the Kansas dairy law that would allow the temporary suspension of a license or permit. It will apply primarily to milk producers and milk processing plants. Kansas has adopted the U.S. Food and Drug Administration's Grade A Pasteurized Milk Ordinance (PMO) to maintain an effective program for the prevention of milk borne disease. Kansas has adopted the PMO along with all other states to provide uniformity and high level of excellence of milk sanitation practice in the United States. The ordinance requires milk samples to be taken for lab tests. If there are repeated sanitation violations, the ordinance requires temporary suspension of the license until the sanitation issues are resolved. Ordinarily, facilities are in compliance within a very short period of time.

The requested revisions would make the statutes consistent with other similar statutes administered by the department, be consistent with the provisions of KAPA regarding licensure, would provide due process rights to a licensee, make the process more efficient, and reduce costs.

I will stand for questions at the appropriate time.

Ag & Natural Resources Committee
Date 3-9-10
Attachment 2