

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on March 21, 2002 in Room 231-N of the Capitol.

All members were present except: Representative Clay Aurand - excused
Representative Jeff Peterson - excused
Representative Ted Powers - excused
Representative Jonathan Wells - excused

Committee staff present: Raney Gilliland, Kansas Legislative Research Department
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Joe Lawhon, Legislative Division of Post Audit, 800 SW Jackson, Suite 1200, Topeka, KS 66612-2212

Others attending: See Attached Sheet

Vice-Chair Don Myers called the meeting to order in Chairperson Joann Freeborn's brief absence. She was called out of committee for a short time to cast a vote in another committee. Chairman Myers announced that the Sub-Committee meeting on **HB3002** that had been scheduled for today was cancelled. Members of the Sub-Committee are; Rep. Don Myers, Chairman; Rep. Tom Sloan; Rep. Ray Merrick; Rep. Laura McClure; and Rep. Jonathan Wells. He also announced that minutes for committee meetings January 22 and 24, February 14, and March 7, have been distributed for the committee's review and a motion to approve or disapprove will be made in the next committee meeting.

Chairperson Freeborn asked Raney Gilliland, Legislative Research Department, to brief the committee on Dam and Water Impoundment Structure Safety and the State's Role in the Inspection of Dam and other Water Impoundment Structures. The Special Committee on Energy and Natural Resources/Environment has studied Kansas' current dam safety inspection programs and concludes that the Department of Agriculture can adequately oversee the inspection and repair of Kansas dams. (See attachment 1) He also provided copies of Kansas Statutes on Waters and Watercourses. (See attachment 2)

The Chairperson welcomed Joe Lawhon, Legislative Division of Post Audit, to the committee. He reviewed the Water Structures Program. The mission of the Water Structures Program is to inspect and regulate the safety of dams which, if they fail, could endanger lives and property. The Program also monitors the construction of dams, levees, and other projects that affect the flow of rivers and streams to ensure these activities are properly planned, constructed, operated, and maintained. The Program is funded with a mix of State General Fund moneys, federal grants, State Water Plan funds, and State highway funds. Fiscal year 2000 expenditures were about \$860,000, of which \$481,000 came from the State General Fund. The Program has 15.5 authorized positions.

According to Department of Agriculture officials, increasing populations near dams in Kansas and increasing numbers of such structures have stressed the processes and resources of the Water Structures Program. Recently, Department officials have discovered and begun to investigate potential problems with the expenditure of federal grant funds within the Program. In addition, Department officials have expressed concerns about Program staff being able to keep up with the workload, in particular their inability to get various permits issued in a reasonable time frame. A performance audit of this topic would address the following question. Is the Department of Agriculture's Water Structures Program able to issue permits for new water structures on a timely basis and complete timely inspections of existing structures, and if not, why not? Committee discussion and questions followed.

Greg Foley, Assistant Secretary, Kansas Department of Agriculture, and David Pope, Chief Engineer, Water Resources, Kansas Department of Agriculture, were in attendance and addressed committee questions in reference to the Water Structures Program. They also discussed proposed **SB436**, by the Department of Agriculture, regarding "Fees and inspections of dams, levees and other water obstructions".

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
at 3:30 p.m. on March 21, 2002.

Chairperson Freeborn thanked Mr. Lawhon for his presentation and other guests for their participation. She announced that an informal public discussion will be held immediately after adjournment of the committee meeting to discuss **House Substitute for SB430.**

The meeting adjourned at 4:50 p. m. The next meeting is scheduled for Tuesday, March 26, 2002.