

Approved: February 24, 2010

Date

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 1, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Bowers - Excused
Representative Johnson - Excused
Representative Moxley - 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:

John Donley, Assistant General Counsel, Kansas Livestock Association
Constantine Cotsoradis, Deputy Secretary of Agriculture, Kansas Department of Agriculture
Herbert Graves, Jr., Executive Director, State Association of Kansas Watersheds

Others attending:

See attached list.

Chairman Powell opened the meeting asking Committee members if they had any bill introductions. Representative Lukert introduced a bill that calls for the reopening of one of the entrances or exists at Tuttle Creek. By general consensus of the Committee members, the bill was introduced.

Hearing on HB 2493 - Eliminating classifications of dams and water obstructions.

PROPONENT:

Chairman Powell opened the hearing on **HB 2493** with the introduction of John Donley, Assistant General Counsel, Kansas Livestock Association (KLA), who testified in favor of **HB 2493** (Attachment 1), stating that KLA is not a full proponent of the measure that is in this bill; however, it is a good opportunity to clarify KLA's position on dams and the inspection process. Mr. Donley further stated that while KLA realizes that a removal of safety inspections for all dams in the state of Kansas could potentially put citizens at risk in the extreme case that a dam breaches, KLA would support removing the requirement for inspection of dams where the only lives affected by a potential breach would be the lives of the owner or operator of the dam. KLA believes that the dam owners should not be subjected to the expense of increased dam inspections that come with hazard re-classification when the cause is downstream development that is beyond control of the dam owner.

OPPONENT:

Constantine Cotsoradis, Deputy Secretary of Agriculture, Kansas Department of Agriculture (KDA), spoke in opposition of **HB 2493** (Attachment 2), advising that whether or not dams should be classified based on their risk to human life and property, and whether or not those dams should be inspected is a policy of the legislative branch of government, and it is KDA's responsibility to advise on the impact of the proposed legislation. Mr. Cotsoradis further stated that this bill will remove all requirements for the inspection of high and significant hazard dams, maintaining that these dams are classified as such because human lives are likely to be lost if the dam fails. According to Mr. Cotsoradis, the public has an expectation that dams and other obstructions are regulated and safe, but that expectation will not be met if this bill becomes law.

Matt Scherer III, P.E., Water Structures, Division of Water Resources, Kansas Department of Agriculture, also answered questions posed by members of the Committee.

2/01

CONTINUATION SHEET

Minutes of the House Agriculture and Natural Resources Committee at 3:30 p.m. on February 1, 2010, in Room 783 of the Docking State Office Building.

NEUTRAL:

Herbert Graves, Jr., Executive Director, State Association of Kansas Watersheds (SAKW), appeared as a neutral conferee on **HB 2493** (Attachment 3), stating Kansas has and needs a dam safety program and that dam inspections must be conducted to assess the condition and needed repairs of dams. Mr. Graves advised the Kansas Department of Agriculture's Division of Water Resources (DWR) does an excellent job in administering their program; however, SAKW feel some aspects of current regulations have resulted in unreasonable demands on dam owners. SAKW feels that as a minimum, watershed districts should get dam breach inundation maps made for all their dams and follow this up by notifying each and every landowner within the breach area of their dams about the hazards of building inhabitable structures in breach areas.

At the conclusion of the conferee presentations, the hearing was closed on **HB 2493**.

The Kansas Agricultural Remediation Board Annual Report for 2009 is on file in Representative Powell's office.

Also, there is a copy of the Kansas Department of Agriculture, Division of Water Resources, written report on Implementing Flex Accounts (K.S.A. 82a-736) in each Committee member's folder.

The next meeting is scheduled for February 2, 2010.

The meeting was adjourned at 4:30 p.m.