

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:30 a.m. on March 20, 2001 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
 Jill Wolters, Revisor of Statutes
 Betty Bomar, Secretary

Conferees appearing before the committee:

 David Pope, Chief Engineer, Division of Water Resources
 Jamie Clover Adams, Secretary, Department of Agriculture
 Chris Wilson, Legislative Liaison, Southwest Kansas Groundwater Management
 District 3

Others attending:

HB 2316 - Civil penalties for violations of water laws and orders, terms, conditions and limitations imposed by the chief engineer of the division of water resources

The Committee continued asking David Pope, Chief Engineer, Division of Water Resources, questions relating to the penalty provision contained in **HB 2316**. Mr. Pope stated that the penalty would be utilized only in those situations where the violations were blatant and over a period of time and not limited only to a short period of time. The procedures outlined in the rules and regulations relating to violations would be utilized prior to the assessment of the \$1,000 per violation penalty.

Chris Wilson, Legislative Liaison for Southwest Kansas Groundwater Management District 3 (GWMD #3), testified in support of **HB 2316**, stating GWMD #3 supports providing the Department of Agriculture civil penalty authority as a preferable enforcement tool to seeking action in District Court. Civil penalties are an effective disincentive to those who violate the law and protect the rights of those who follow the law. (Attachment 1)

There being no additional proponents or opponents, the hearing was closed.

Senator Downey moved, seconded by Senator Lee, that HB 2316 be amended by including the provisions of SB 264 as passed by the Senate. The voice vote was in favor of the motion.

Senator Lee moved, seconded by Senator Schmidt, that HB 2316 be amended in KSA 65 - 171d, (3) by striking the word “beneficial”, and inserting the word “designated”; and adding the following: “In no event shall the secretary’s authority be interpreted to include authority over the beneficial use of water, water quantity allocations, protection against water use impairment of a beneficial use, or any other function or authority under the jurisdiction of the Kansas Water Appropriations Act and amendment thereto, K.S.A. 82a-701 et seq.; and in (1)(a) strike the word “beneficial”. The voice vote was in favor of the motion. (Attachment 2)

Senator Umbarger moved, seconded by Senator Downey, that HB 2316 be recommended favorably for passage as amended. The voice vote was in favor of the motion.

HB 2103 - Increasing total aggregate loans under agricultural production loan deposit program

The Chair submitted an amendment which raises the program amount by only \$5 Million. The Chair

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informed the Committee that as a result of the present fiscal condition, the Senate Leadership is concerned about the \$50 Million increase proposed in the bill. The Committee discussed the benefits of

the program versus the present fiscal condition of the State. Several members expressed support for expanding the program by more than \$5 Million, but acknowledged the amendment may be necessary to move the bill forward.

Senator Schmidt moved, seconded by Senator Huelskamp, that HB 2103 be amended by striking in its entirety Section 1, at Page 3, line 24 strike "\$100,000,000" and insert in lieu thereof "\$55,000,000". The voice vote was in favor of the motion.

Senator Umbarger moved, seconded by Senator Schmidt, that HB 2103 be recommended favorably for passage as amended. The voice vote was in favor of the motion with Senators Corbin and Tyson voting "no".

Sub for SB 255 - Civil penalties for violation of the fertilizer act

Senator Lee moved, seconded by Senator Umbarger, that Substitute for SB 255 be recommended favorably for passage. The voice vote was in favor of the motion. (Attachment 3)

Upon motion of Senator Tyson, seconded by Senator Corbin, the Minutes of the March 13th and March 14th meetings were unanimously approved.

The next meeting is on call of the Chair.

The meeting adjourned at 9:30 a.m.