

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on March 20, 2008 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Emalene Correll, Kansas Legislative Research Department
Jason Thompson, Revisor of Statutes
Matt Todd, Revisor of Statutes
Adrienne Halpin, Committee Assistant

Conferees appearing before the committee:

Tom Sloan, State Representative
Tracy Streeter, Kansas Water Office
John Donley, Kansas Livestock Association
Steve Swaffar, Kansas Farm Bureau
Constantine Cotsoradis, Department of Agriculture
Mark Rude, Groundwater Management Districts

Others attending:

See attached list.

Chair McGinn commenced the hearing for **HCR 5028**, a request to form a partnership with the federal government in order to preserve the productivity of Kansas reservoirs.

Tom Sloan, Kansas Representative of the forty-fifth district testified in support of the bill (Attachment 1) stating that the Corps of Engineers' original designs were for structures with a one hundred year life expectancy. Although these structures are now forty to sixty years old, the Corps does not currently have a program to extend the life of these reservoirs. **HCR 5028** addresses these difficulties and provides for the continuation of drinking water, flood control, and recreation. Representative Sloan stood for questions.

Tracy Streeter, Director, Kansas Water Office, also testified in support of **HCR 5028** (Attachment 2) stating that the bill would strengthen the State's message to the federal government and solidify Kansas' position. Mr. Streeter stood for questions.

Chair McGinn closed the hearing on **HCR 5028**. Senator Taddiken made a motion for the bill to be passed out favorably, seconded by Senator Francisco. The motion carried.

Chair McGinn opened the hearing on **HB 2625**, intensive groundwater use control areas (IGUCAs); review hearings; advisory panels.

Raney Gilliland, Legislative Research, presented an overview of the bill stating that IGUCAs are commonly designated by the Chief Engineer of the division of Water Resources as a management tool for water allocation in a specific area. **HB 2625** would address the review hearing process for an IGUCA. Line 26 of page 1 provides permission for an individual to petition the Chief Engineer to conduct a review hearing. Several questions regarding the language in the bill include: (1.) lines 26-28 which should be changed to read "signed by," (2.) line 32 which refers to a public hearing not specified as the review hearing or a secondary hearing, (3.) further references on page 2 to an unspecified public hearing, and (4.) the need to designate the standing committees to which yearly information would need to be reported on page 3.

John Donley, Assistant Council, Kansas Livestock Association (KLA), testified in favor of the bill (Attachment 3) stating that KLA has several concerns, but supports the amendments made by the House especially regarding the need for an independent hearing. The bill, he stated, also places the burden of proof on the State to decide if the continuation of an IGUCA is necessary instead of on individuals for whom the process could be expensive. The KLA is supportive of proposed amendments regarding primacy issues and adversarial hearings and cooperated with Department of Agriculture to address all sides of this issue in an acceptable manner. Mr. Donley stood for questions.

CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 a.m. on March 20, 2008 in Room 423-S of the Capitol.

Steve Swaffar, Kansas Farm Bureau (KFB), testified in support of the bill (Attachment 4) stating that KFB's members' concerns would be addressed through this legislation. Concerning the review hearings, Mr. Swaffar stated that the bill addresses only the review, not the initiation process. Mr. Swaffar expressed that, during these hearings, state agencies' ability to be a party in the cross-examination process gave the public a negative impression and appeared inappropriate. He encouraged the Committee to remove agencies which manage state water rights from the cross-examination process. Mr. Swaffar stood for questions.

Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture (KDA), testified in support of **HB 2625** (Attachment 5) stating that the bill's intended focus is the review process for IGUCAs. KDA believes the unamended bill—representing the compromised language of the Groundwater Management Districts (GMDs) and KDA—would be beneficial to all parties and provide positive change in the review process. Mr. Cotsoradis emphasized the importance of the KDA's role in the review process in collecting, assessing, and presenting data; he further questioned the Department's ability to provide a burden of proof in a review process to which it could not be party. Mr. Cotsoradis stood for questions.

Mark Rude, Director, GMD 3, testified in opposition to the bill as a representative of all Kansas GMDs. Mr. Rude stated that the GMDs have recommended language for clarification of section 3, K.S.A. 82a-1036 (See Amendment 6). The amendment, he stated, would bring clarity and consistency to management without diminishing the Chief Engineer's authority. Mr. Rude stood for questions.

Chair McGinn requested that the hearing be continued at a subsequent meeting.

The following provided written testimony only:

DeEtte Huffman, McPherson Kansas (Attachment 7)

The meeting adjourned at 9:30 a.m.