

MINUTES OF THE HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 9:00 a.m. on March 2, 2012, in Room 783 in the Docking State Office Building.

All members were present except:

Representative Michael Peterson (Unexcused)
Representative Bob Brookens (Excused)
Representative Robert Moxley (Excused)

Committee Staff Present:

Randy Gilliland, Kansas Legislative Research Department
Sean Ostrow, Office of the Revisor of Statutes
Chris Sevedge, Kansas Legislative Research Department
Joyce Hladky, Committee Assistant

Conferees appearing before the committee:

Kent Askren, Kansas Farm Bureau, (Proponent)
David Barfield, Department of Agriculture, (Proponent)
Erik Wisner, Department of Agriculture, (Proponent)
Tracy Streeter, Kansas Water Authority (Proponent)
Wayne Bossert, NW GMD #4 (Proponent)
Representative Bill Otto, (Opponent)

Others attending:

Chairman Powell announced that next week the House and Senate would be celebrating Agriculture Week by participating in a food drive. He encouraged everyone to participate. The House is in a race against the Senate.

No meeting will be scheduled for Monday, March 5, 2012. Tuesday the Committee will meet and work some bills.

Chairman Powell opened the floor for hearings on **SB148 application for Division of Water Right; fee.**

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Kent Askren, Kansas Farm Bureau, presented testimony in favor of **SB148**. It is the Farm Bureau's belief that the provisions of Substitute **SB148** will and should allow water right owners to feel confident that their request to divide a water right assigning priority, quantity, rate, point of diversion and place of use; all in conformity with the water right be established, will be acted upon affirmatively by the chief engineer. (Attachment 1)

David Barfield, Department of Agriculture, presented testimony in favor of **SB148**. This bill provides for the division of a water right into multiple rights whether for the purposes of enrollment in multi-year flex accounts, to voluntarily divide a water right for others' purposes, or to comply with court order. The bill makes the current practice of dividing water rights explicit in statute, and provides a fee of \$300 for the division, no matter how many wells are involved. (Attachment 2)

There being no further testimony on **SB148**, Chairman Powell closed the hearings.

Chairman Powell opened the floor for hearings on **SB302 amendments to the Kansas Meat and Poultry Inspection Act.**

Sean Ostrow of the Revisor of Statutes office provided an overview of **SB302**. The changes in the bill are technical in nature. Mr. Ostrow explained the technical changes.

Erik Wisner, Department of Agriculture, presented testimony in favor of **SB302**. **SB302** authorizes the secretary to ensure animals are handled and slaughtered humanely at plants registered under the Wheat and Poultry Inspection Act by KSA 65-6a20 and 65-6a31. The change is necessary for the state inspection program to main its "equal to" status according to the US Department of Agriculture's Food Safety and Inspection Service. Additionally, KSA 65-6a41 would be amended so record-keeping requirements are similar to the requirements in the federal acts.

SB302 adds two new sections to the Meat and Poultry Inspection Act and the bill amends KSA 65-6a34 by establishing a \$25 registration fee for all registrations. Currently, fees under the Meat and Poultry Inspection Act range from no cost to \$250. At this time the current fees only

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represent about 1 percent of the total budget for the program. Because the fees make up such a small portion of the budget, any decrease will not affect program operations.

SB302 makes technical changes to the definitions to ensure clarity and consistency throughout the act. (Attachment 3)

Representative Bill Otto presented testimony in opposition of **SB302** against the regulation for the sale, personal consumption of dressing chickens, rabbits, or other such small animals. (Attachment 4)

Written testimony:

Martin Luther (Opponent) (Attachment 5)

There being no further testimony on **SB302**, Chairman Powell closed the hearings.

Chairman Powell opened the floor for hearings on **SB310 establishing local enhanced management areas.**

Kent Askren of the Kansas Farm Bureau presented testimony in favor of **SB310.** Kansas Farm Bureau strongly supports water rights as individual real property rights, but when the strict enforcement of those rights will not solve the problem and may cause severe economic hardship on everyone involved, other solutions need to be considered.

Intensive Groundwater Use Control Area (IGUCA) is a tool to deal with such situations, but many have a fear that the resultant action is too heavy handed and a top down directive. Local Enhanced Management Areas (LEMA) provides an opportunity for locals to establish a plan to address issues such as overdevelopment in a proactive fashion without the fear of receiving a final decision far beyond the scope of their initial efforts.

Mr. Askren thanked for Committee and answered questions. (Attachment 6)

Mr. David Barfield, Chief Engineer, Division of Water Resources, Department of Agriculture, presented testimony in favor of **SB310.**

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Continuing declines in groundwater levels and pumping rates in significant portions of Kansas underscore the need to address the over-appropriation of the state's groundwater resources in more significant ways than in the past. The significant variability in groundwater availability as well as the diversity of community and business interests across the state calls for locally sponsored and carefully tailored solutions to the problem. If enacted, **SB310** can be a powerful tool towards that end; arguably the most significant and positive change to the GMD Act since 1978.

The bill makes no changes in the existing IGUCA provisions of the GMD Act. While I believe in adding a process for locally initiated and prescribed action, I also believe we must retain the tools provided via the IGUCA's provisions.

These matters are complex, involving computer modeling and other analysis to find a good balance between using water to sustain today's economies, versus preserving more water for our future. Legal hearings are necessary for the consideration of these enhancement management plans to arrive at decisions that can be legally implemented. And, the resulting enhanced management will require ongoing monitoring and enforcement activities.

Mr. Barfield thanked the Committee and responded to questions. (Attachment 7)

Tracy Streeter, Kansas Water Authority Secretary and Kansas Water Office Director, presented testimony in favor of **SB310**.

Local Enhanced Management Areas (LEMA) provides a process to support and implement a proactive, locally-defined conservation plan for a region within a Groundwater Management District (GMD). The Kansas water plans calls for GMDs to define priority aquifer areas in decline and develop conservation goals. Stakeholders located in the NWGMD No. 4 in Sheridan County priority area #6 developed a conversation plan to show the declines, and provide adequate water to meet current needs through multiple public meetings. However, there isn't a program in place to implement a locally defined, mandatory conservation plan. Intensive Ground Water Use Control Areas (IGUCASs) require the Chief Engineer to consider all public hearing testimony before determining the corrective measures. The risk that an IGUCA order would be more encompassing or onerous is a serious disincentive for locals to initiate this approach.

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The LEMA provides a process for the GMD to recommend the plan to the Chief Engineer. It is reviewed for clear geographic boundaries within the Groundwater Management District as well as proposed corrective control provisions would meet the goals, and is consistent with state law. If acceptable the plan goes through a process that includes two public hearings. The Chief

Engineer has the option to accept the LEMA plan as submitted, reject it as insufficient to address the conditions, or return it with the option for the GMD to revise and resubmit.

The LEMA proposal is consistent with the direction supported by the Kansas Water Authority and the Ogallala Aquifer Advisory Committee of providing tools for local, stakeholder defined efforts to conserve and extend the life of the aquifer.

Mr. Streeter thanked the Committee and responded to questions. (Attachment 8)

Mr. Wayne Bossert, GMD 4 Manager, presented testimony in favor of **SB310**. The GMD developed this bill with input from the Kansas Department of Agriculture (including the Division of Water Resources), all five Kansas GMDs, the Kansas Farm Bureau, the Kansas Livestock Association, and the Kansas Feed and Grain Association. The GMD also received endorsement from the Ogallala Aquifer Advisory Committee. As a result of this work and collaboration **SB310** was developed.

The bill provides:

1. Locals with an opportunity to develop and implement local enhanced management plans consistent with state water planning guidelines and the GMD management programs.
2. Retains sufficient state oversight to ensure effective plans are being proposed and that all elements of the locally proposed plans are legal and consistent with state law.
3. The processes of the current IGUCA remain in effect.
4. The bill provides positive incentives for locals to begin developing enhanced management plans sooner rather than later.
5. While **SB310** does not guarantee locals will get everything or anything they might propose as an enhanced management proposal, it does ensure they will not get anything they didn't propose or do not want.

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6. This is the framework of a statutory change requested by stakeholders of HPA SD-6 within the NW Groundwater Management District No. 4 that will work within any GMD area statewide.

The NW Kansas GMD #4 supports **SB310** as introduced and urges its passage.

Mr. Bossert answered Committee questions. (Attachment 9)

Written testimony:

Mike Beam, Kansas Livestock Association (Proponent) (Attachment 10)

Sean miller, The Kansas Groundwater Management Districts (Proponent) (Attachment 11)

There being no further testimony on **SB310**, Chairman Powell closed the hearings.

Meeting adjourned at 10:40 a.m.

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