

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Ralph Ostmeyer at 8:30 a.m. on March 10, 2011, in Room 159-S of the Capitol.

All members were present except:

Vice-Chair Carolyn McGinn, Excused
Senator Steve Morris, Excused

Committee staff present:

Tamera Lawrence, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Heather O'Hara, Kansas Legislative Research Department
Laura Younker, Kansas Legislative Research Department
Dana Wethington, Committee Assistant

Conferees appearing before the Committee:

David Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture
Sean Miller on behalf of Mark Rude, President, Kansas Groundwater Management District Association
Kent Askren, Kansas Farm Bureau
John Donley, Assistant Counsel, Kansas Livestock Association
Doug Jorgensen, Acting Kansas State Fire Marshal
Tracy Streeter, Director of the Water Office

Others attending:

See attached list.

SB 191 – Amending the water rights conservation program

Chairman Ostmeyer opened the hearing on **SB 191**.

Revisor Tamera Lawrence gave an overview. The Chief Engineer may administer a water rights conservation program. An eligible water right may be enrolled in the program, subject to the approval of the chief engineer. The enrollment period is 10 years and a water right may be re-enrolled in the program within two years, subject to the approval of the chief engineer. Application fee is not to exceed \$300. It creates the water appropriation certification fund.

David Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, testified in support of **SB 191**. (Attachment 1) He stated the water rights conservation program conserves water as well as protects the water users' rights from forfeiture. He provided a map of Water Rights Enrolled in WRCP, and a draft of revised regulations.

Due to a meeting conflict, Mark Rude was unable to attend and Sean Miller presented Mr. Rude's testimony in support of **SB 191**. (Attachment 2) He said the testimony represents all five GMDs. He stated that the goal of the legislation is to re-establish the WRCP and make it a fee-funded program. It also gives water right holders an additional tool they can use to manage and conserve water.

Kent Askren, Kansas Farm Bureau, provided testimony in support of **SB 191**. (Attachment 3) He said the WRCP is a useful tool for eligible water right holders who might want to idle their pumps without fear of their water rights being abandoned.

John Donley, Assistant Counsel, Kansas Livestock Association, provided testimony in support of **SB 191**. (Attachment 4) He said KLA is supportive of a reasonable fee on water right holders to pay for the program's implementation and that it is another tool for water right holders to utilize if it fits their management plan.

Providing written testimony in support of **SB 191** was Timothy Maier, P.E., General Manager, Board of Public Utilities, McPherson, who stated that the utility has used the WRCP in the past and would like to

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continue. (Attachment 5)

David Brenn, Kansas Water Congress, provided written testimony in support of **SB 191**. (Attachment 6) He stated the Kansas Water Congress stakeholders believe that the creation of a fee-funded WRCP would be beneficial for water rights holders and water users.

Wayne Bossert, Manager, Northwest Kansas Groundwater Management District No. 4, provided written testimony in support of **SB 191**. (Attachment 7) He stated that the bill would require virtually all of the important program aspects to be developed in regulation form by the Chief Engineer subsequent to its enactment.

Discussion followed.

There being no further conferees, Chairman Ostmeyer closed the hearing on **SB 191**.

SB 215 – Abolishing the liquefied petroleum gas advisory board

Senator Ostmeyer opened the hearing on **SB 215**.

Revisor Tamera Lawrence gave an overview. It would abolish the Liquefied Petroleum Gas Advisory Board on July 1, 2011, and repeal KSA 55-1811, that establishes the Board and provides for the Board's members and their terms of office.

Doug Jorgensen, Acting Kansas State Fire Marshal, testified in support of **SB 215**. (Attachment 8) He testified that the Board was established in 2004 to serve in an advisory capacity to the Governor and the State Fire Marshal for matters concerning the enforcement of the Kansas Propane Safety and Licensing Act. The Board is to meet on a quarterly basis; however, due to lack of attendance, the Board meets only if there are concerns. The last meeting was April 30, 2010. Discussion followed.

There being no further conferees, Chairman Ostmeyer closed the hearing and called for final action on **SB 215**.

Senator Francisco made a motion, seconded by Senator Teichman, that SB 215 be passed out favorably; motion carried.

Confirmation of Reappointment of Tracy Streeter as Director of the Water Office

Chairman Ostmeyer opened the hearing on **Confirmation of Reappointment of Tracy Streeter as Director of the Water Office**.

Tracy Streeter, Director of the Water Office, provided testimony. (Attachment 9) He has served as Director of the KWO since 2004 and previously worked for the State Conservation Commission for 19 years, serving as the Executive Director 10 years. Mr. Streeter stood for questions.

There being no further discussion, Chairman Ostmeyer closed the hearing and asked for final action on **Reappointment of Tracy Streeter as Director of the Water Office**.

Senator Teichman made a motion, seconded by Senator Abrams, to pass out favorably the Confirmation of Reappointment of Tracy Streeter as Director of the Water Office; motion carried.

Chairman Ostmeyer announced the next meeting is scheduled for March 11, 2011.

The meeting was adjourned at 9:00 a.m.