

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Sharon Schwartz at 3:30pm on Thursday, March 12, 2015, 346-S of the Capitol.

All members were present

Committee staff present:

Raney Gilliland, Legislative Research Department
Joanna Wochner, Legislative Research Department
Shirley Jepson, Kansas Legislative Committee Assistant
Natalie Scott, Office of Revisor of Statutes

Conferees appearing before the Committee:

Chris Beightel, Water Management Services Program Manager, Department of Agriculture
Aaron Popelka, Vice President of Legal & Governmental Affairs, Kansas Livestock Association
Richard Wenstrom, President, Board of Directors, Water protection Assoc of Central Kansas
Kent Askren, Kansas Farm Bureau
Sean Miller, representing Groundwater Management Districts #1, #3 & #4
Kent Lamb, on behalf of Big Bend GWMD#5
Justin Vosburgh, 5th generation farmer, Stafford County
Mike Beam, Kansas Livestock Association

Others in attendance:

[See Attached List](#)

Hearing on: SB52 — Authorizing chief engineer to allow augmentation to secure water.

Chair Schwartz opened the hearing on **SB52**.

Natalie Scott, Revisor, provided a brief explanation of the bill stating that **SB52** amends current statute with regard to the options available when the chief engineer makes a determination of an unlawful diversion of water. Ms. Scott indicated that the bill is identical to **HB2059**, a bill which the Committee heard on January 29, 2015, passed out; however, has not had action on the House floor ([Attachment 1](#)). Ms. Scott stated that the Senate Committee amended the bill to limit the use of augmentation to the Rattlesnake Creek sub-basin and provide that augmentation may only be used when the replacement of water is offered voluntarily.

Chris Beightel, Water Management Services program Manager, Department of Agriculture, appeared before the Committee in support of **SB52** ([Attachment 2](#)). Mr. Beightel stated that augmentation is a broad term, noting that this bill would narrow the term by explaining in the law that augmentation would be the replacement of the unlawful diversions in time, location and quantity, if available. Although **SB52** was amended by the Senate, Mr. Beightel noted that the agency is confident that augmentation should be available and an appropriate option in many parts of the state. The agency accepts the amendment.

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Richard Wenstrom, President, Water Protection Association of Central Kansas (Water PACK), appeared before the Committee in support of **SB52** ([Attachment 3](#)). Mr. Wenstrom indicated that Water PACK supports the legislation allowing the Chief Engineer to order augmentation of water as an option in the settlement of impairment issues.

Additional testimony in support of **SB52** was received from:

- Aaron Popelka, Vice President of Legal & Governmental Affairs, Kansas Livestock Association, ([Attachment 4](#)).
- Kent Askren, Kansas Farm Bureau, ([Attachment 5](#)).
- Sean Miller, on behalf of Western Kansas GMD#1, SW Ks GMD#3 and NW Ks GMD#4 ([Attachment 6](#)).
- Kent Lamb, on behalf of the Big Bend GMD#5, ([Attachment 7](#)).
- Justin Vosburgh, Vosburgh Farms ([Attachment 8](#)).

The conferees responded to questions from the Committee.

Written only testimony was received from Greg Krissek, Kansas Corn Growers Association ([Attachment 9](#)).

There were no other conferees, proponents, neutral or opponents to appear before the Committee. The hearing on **SB52** was closed.

Hearing on: SB36 — Allowing carryover and a change application for place of use for multi-year flex accounts.

Chair Schwartz opened the hearing on **SB36**.

Natalie Scott, Revisor, provided a brief description of **SB36** ([Attachment 10](#)). Ms. Scott noted that the bill amends the provisions relating to term permits to appropriate water and multi-year flex accounts. This bill is identical to **HB2069** which had a hearing in this Committee on February 2, 2015.

Chris Beightel, Department of Agriculture, appeared before the Committee in support of **SB36** ([Attachment 11](#)). Mr. Beightel indicated that the proposed legislation would make two enhancement changes to the current Multi-Year Flex Account (MYFA) program. The first is to allow a water rights holder to make small adjustments to their plan of use. This modification will add a management opportunity for a producer who wants to upgrade to a more water-efficient irrigation system. The second proposed change removes another "use it or lose it" barrier.

Kent Askren, Kansas Farm Bureau, appeared before the Committee in support of **SB36** ([Attachment 12](#)). Mr. Askren noted that the bill encourages participants to better manage water use and make slight land adjustments to become more efficient/productive.

Mike Beam, Kansas Livestock Association, appeared before the Committee in support of **SB36**.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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[\(Attachment 13\).](#)

The conferees responded to questions from the Committee.

Written only testimony in support of **SB36** was received from:
Leslie Kaufman, Kansas Cooperative Commission [\(Attachment 14\)](#).
Greg Krissek, Kansas Corn Growers Association [\(Attachment 15\)](#).

The hearing on **SB36** was closed.

Hearing on: SB120 — Exception to the limitations of wildlife, parks and tourism authority to purchase land.

The Chair opened the hearing on **SB120**.

Natalie Scott, Revisor, provided a brief explanation of **SB120** [\(Attachment 16\)](#). Ms. Scott noted that the bill amends current provisions relating to land purchases by the Department of Wildlife, Parks and Tourism.

Robin Jennison, Secretary, Department of Wildlife, Parks and Tourism, appeared before the Committee to testify on **SB120** [\(Attachment 17\)](#). Secretary Jennison stated that the agency supports the exemption from legislative approval for purchase of land from the Natural Resource Damage Program (NRD) fund. The Secretary indicated that the Department opposes the amendment by the Senate to reduce the ability of the Department to generally purchase property by reducing the amount of land from 320 to 160 acres without legislative approval on land purchased from funds other than the NRD fund.

Leo Henning, Director, Bureau of Environmental Remediation, Department of Health and Environment, appeared before the Committee in support of **SB120** [\(Attachment 18\)](#).

John Donley, Kansas Farm Bureau, appeared before the Committee in a neutral position on **SB120** [\(Attachment 19\)](#). Mr. Donley noted that the Kansas Farm Bureau opposes the use of tax and fee revenues for the acquisition of any private land, noting that they opposed the bill as originally written. Since the amendment to decrease the acreage allowance with legislative approval to 160 acres, KFB stands in a neutral position on the bill.

All conferees responded to questions from the Committee.

The hearing on **SB120** was closed.

Adjournment

The meeting was adjourned at 4:40 pm. The next meeting of the Committee is scheduled for March 16,

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