

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Sharon Schwartz at 3:30pm on Tuesday, February 02, 2016, 346-S of the Capitol.

All members were present except:

Representative Sydney Carlin – Excused
Representative Joe Seiwert – Excused
Representative Shannon Francis – Excused

Committee staff present:

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

Conferees appearing before the Committee:

Lane Letourneau, Water Appropriations Program Manager, Department of Agriculture
Sean Miller, Capitol Strategies
Mark Rude, SW Kansas, Groundwater Management District No. 3

Others in attendance:

[See Attached List](#)

Approval of Minutes

The Committee minutes of the following dates have previously been e-mailed to members for review: January 13, 2016; January 14, 2016; January 20, 2016; January 21; January 25, 2016; January 26, 2016; January 27, 2016; January 28, 2016

Representative Dierks moved to approve the minutes of January 13th, January 14th, January 20th, January 21st, January 25th, January 26th, January 27th and January 28th as written. Motion seconded by Representative Victors. Motion carried on a voice vote.

Document-State Water Plan

Per a request from Chair Schwartz, Raney Gilliland, Legislative Research Department, distributed a document titled "B-2 State Water Plan Fund, Kansas Water Authority, and State Water Plan" ([Attachment 1](#)). Chair Schwartz requested Committee members to review the document for discussion at a later time.

Hearing on: HB2491 — Creating a penalty for failure to report annual water use.

Chair Schwartz opened the hearing on **HB2491**.

Natalie Scott, Revisor, provided an explanation of the bill, noting that the bill amends current statute by

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increasing the penalty for failure to submit an annual water use report ([Attachment 2](#)) .

Lane Letourneau, Water Appropriations Program Manager, Department of Agriculture, appeared before the Committee to present testimony in support of **HB2491** ([Attachment 3](#)). Mr. Letourneau noted that management of Kansas water resources depends on accurate data related to the annual use of water in the state. Failing to submit a water use report is currently a violation of the law; however, it is a concern that some water users decide to pay the annual penalty fee rather than submit the water use report. Mr. Letourneau stated that the Department obtained feedback from stakeholders in 2015 and received consistent feedback that existing penalties are too lenient. Mr. Letourneau indicated that **HB2491** provides the state with the tools necessary to protect private property rights by ensuring that all water use is reported in a timely and accurate manner.

Responding to questions from the Committee, Mr. Letourneau indicated that multiple notices are sent to the water rights owner. The Committee expressed concern that the owner of the property and water right may live out-of-state; however, Mr. Letourneau stated that the Department makes every effort to locate the owner of the property; also indicating that if the owner has made the Department aware of a tenant in control, the tenant can be contacted. Mr. Letourneau noted that one of the reasons for not filing a timely report may be that the user is already in violation in the amount of water usage.

Responding to a question from the Committee concerning the use of satellites to monitor water meters, Mr. Letourneau stated that this is being done in some instances; however, would be expensive on a statewide basis.

Responding to a question from the Committee, Ms. Scott indicated that a report is required on each owner's water right; noting that a land owner may have several water rights and be required to file multiple reports.

In the absence of Greg Graff, Western Kansas, Groundwater Management District No. 1 (GMD#1), Sean Miller, Capitol Strategies, presented Mr. Graff's testimony in support of **HB2491** ([Attachment 4](#)). Mr. Graff's testimony states that GMD#1 strongly supports raising the maximum penalties to the level presented in the legislation, especially granting the Division of Water Resources the ability to suspend the water right until the water use information is submitted. Mr. Miller responded to questions from the Committee.

Mark Rude, SW Kansas, Groundwater Management District No. 3, appeared before the Committee to present testimony in support of **HB2491** ([Attachment 5](#)).

Written testimony in support of **HB2491** was received from:

- Kent Askren, Kansas Farm Bureau ([Attachment 6](#));
- Leslie Kaufman, Kansas Cooperative Council; and Ron Seeber, Kansas Grain and Feed Association and Kansas Agribusiness Retailers Association ([Attachment 7](#)).

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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There were no conferees to appear before the Committee in a neutral position or opposed position on **HB2491**.

The hearing on **HB2491** was closed.

Adjournment

The meeting was adjourned at 4:40 pm. The next meeting of the Committee will be held on February 3, 2016.