

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 16, 2016, 346-S of the Capitol.

All members were present except:

Representative Joe Seiwert – 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:

Burke Griggs, Assistant Attorney General

Representative Kevin Jones

Doug Mays, Kansas Rural Water Association

Brian Balman, Franklin County RWD#6

Others in attendance:

[See Attached List](#)

Briefing on:

Burke Griggs, Assistant Attorney General, Attorney General's Office, appeared before the Committee to present a briefing on the state's current water law. Mr. Griggs indicated that the law states that all water is owned by the people of the state. In addition, the law gives the Chief Engineer, Division of Water Resources, the jurisdiction power over all water in the state - surface water and ground water. The law also protects the owners of Kansas water rights. Mr. Griggs noted that presently there are more water rights' owners that available water in the state.

Mr. Griggs responded to questions from the Committee. No written testimony was presented.

Hearing on: HB2598 — Limiting powers of rural water districts.

Chair Schwartz opened the hearing on **HB2598**.

Natalie Scott, Revisor, provided a brief explanation of the bill. Ms. Scott indicated that the bill would amend existing law concerning rural water districts which have a water benefit unit attached to land within the district.

Proponents:

Representative Kevin Jones appeared before the Committee in support of **HB2598** ([Attachment 1](#)).

Representative Jones explained to the Committee that he brought forth the piece of legislation at the

CONTINUATION SHEET

MINUTES of the Committee on Agriculture and Natural Resources at 3:30pm on Tuesday, February 16, 2016 in Room 346-S of the Capitol.

request of a constitute who had purchased a piece of property in Franklin County through a foreclosure sale and was not aware of the issue with the water meter and the local rural water district until she called to get the water turned on ([Attachment 2](#)).

Doug Mays, representing the Kansas Rural Water Association, appeared before the Committee in support of **HB2598** ([Attachment 3](#)) . Mr. Mays indicated that the problem has existed for some time Mr. Mays testimony includes a proposed amendment to the bill.

The proponents responded to questions from the Committee.

Brian Balman, Franklin County RWD #6, appeared before the Committee in opposition to the bill ([Attachment 4](#)). Mr. Balman noted that the bill takes the burden of maintaining a benefit unit from the owner of the land or the for-profit-financial institution that foreclosed upon it, and places the burden upon the non-profit water district.

Written testimony in opposition to **HB2598** was received from Dan Ti, Franklin County ([Attachment 5](#)).

There were no other conferees to come before the Committee.

The hearing on **HB2598** was closed.

Subcommittee reports on:

Representative Waymaster, Chair of the Sub-Committee on **HB2479**, presented and reviewed a balloon amendment as developed by the Sub-Committee ([Attachment 6](#)) .

During discussion, the Revisor reminded the Committee that this bill would give the Secretary of Agriculture more flexibility by allowing the Secretary to add noxious weeds through the rules and regulations process rather than through statute. Currently, legislation is required to add noxious weeds to the statute; this legislation would allow the noxious weeds to be added through rules and regulations. The Revisor indicated that legislation could always be enacted to take back the control from the secretary of agriculture.

Representative Boldra moved to recommend **HB2479** favorable for passage. Motion seconded by Representative Timesch.

Representative Waymaster moved to adopt the balloon amendment to **HB2479**. Motion seconded by Representative Dierks. Motion carried on a voice vote.

Representative Timesch moved to amend the amendment by removing reference to the tax lid on Page 9, Section 11 (d) and remove any reference to the property tax lid elsewhere in the amendment. The

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CONTINUATION SHEET

MINUTES of the Committee on Agriculture and Natural Resources at 3:30pm on Tuesday, February 16, 2016 in Room 346-S of the Capitol.

motion was seconded by Representative Clark. Motion failed.

Representative Francis moved to remove the strike-out of language in the amendment on page 7, lines 39 thru 42. Motion seconded by Representative Schroeder. Motion carried on a voice vote.

Representative Sloan moved to amend the balloon by striking (d) on page 9 and strike the last 2 pages. Motion seconded by Representative Waymaster. Motion carried on a 10-7 vote.

*Representative Lusker moved to recommend **HB2479** as amended favorable for passage and allow for technical amendments. The motion was seconded by Representative Boldra. Motion carried on a voice vote.*

Subcommittee reports on:

Because of the time element, Chair Schwartz delayed the Sub-committee report on **HB2491** until tomorrow, February 17, 2016.

Adjournment

The meeting was adjourned at 5:10 pm. The next meeting of the Committee is scheduled for February 17, 2016.