

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Larry Powell at 8:30am on Thursday, February 05, 2015, 159-S of the Capitol.

All members were present except:

Senator Tom Hawk – Excused

Committee staff present:

Heather O'Hara, Legislative Research Department

Toni Beck, Kansas Legislative Committee Assistant

Mark Savoy, Legislative Research Department

Tamera Lawrence, Office of Revisor of Statutes

Conferees appearing before the Committee:

Randy Stookey, KS Agricultural Remedial Board

Greg Foley, KS Department of Agriculture

John Crowley, KS Farm Bureau

Gary Regehr, Upper Little Arkansas River Watershed District #95

Herb Graves, KS Association of Watersheds

Mike Beam, KS Livestock Association

Jim Carlson, Stillwater Technical Solutions

Others in attendance:

[See Attached List](#)

Possible bill introductions

No bills were introduced.

Presentation on: Kansas Agricultural Remediation Board, Randy Stookey

Randy Stookey made a presentation with overview on the KS Agricultural Remedial Board. The board was created by the legislature in the year 2000 to provide financial reimbursement to eligible persons for ag-chemical remediation expenses. Under the program, commercial grain elevators and participants in the ag-chemical and fertilizer industry pay fees into the Remediation Reimbursement Fund. The Board then distributes up to \$200,000 from the fund to applicants of eligible remediation sites.

[\(Attachment 1\)](#)

[\(Attachment 2\)](#) [\(Attachment 3\)](#)

Discussion & possible action on: SB52 — Authorizing chief engineer to allow augmentation to secure water.

Chairman Powell opened the hearing on the bill.

Tamera Lawrence presented an overview.

*Senator Tyson moved, Senator Ostmeyer seconded, **SB52** be amended removing the text "federal". Motion adopted. [\(Attachment 4\)](#)*

CONTINUATION SHEET

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*Senator Francisco moved, Senator Kerschen seconded **SB52** be amended for such replacement as available and offered voluntarily. Motion adopted. ([Attachment 5](#))*

*Senator Kerschen moved, Senator Arpke seconded, **SB52** be amended for rattlesnake creek subbasin. Motion adopted. ([Attachment 6](#))*

*Senator Francisco moved, Senator Kerschen seconded **SB52** as amended be recommended favorably for passage. Motion adopted.*

Hearing on: SB118 — Amending the powers and duties of the Kansas department of agriculture division of conservation and the state conservation commission.

Chairman Powell opened the hearing on the bill.

Tamera Lawrence presented an overview on the bill.

Greg Foley presented testimony in favor of the bill stating the bill would authorize the DOC to hold easements to assure completion of restoration projects and to assume third party responsibility for long term protection of mitigated stream and wetland sites. ([Attachment 7](#))

John Crowley presented testimony in favor of the bill stating the bill would allow KDOC to offer affordable solution to current Clean Water Act issues. ([Attachment 8](#))

Gary Regehr presented testimony in favor of the bill commenting the problem lies with Corps requiring the land easement be established for perpetuity instead of life of the structure. ([Attachment 9](#))

Herb Graves presented testimony in favor of the bill commenting mitigation credits to accomplish this offset can be obtained through permit fee responsibility projects in partnership with a third party agent. ([Attachment 10](#))

Mike Beam testified in favor of the bill commenting eligible third party grantees are required to provide evidence they have the resources to administer and monitor the terms of the conservation easement or covenant. ([Attachment 11](#))

Jim Carlson testified in favor of the bill commenting a Blue Ribbon Study Panel would propose the framework for establishment of policies, procedures and a financial assurance for land trusts. ([Attachment 12](#))

Jeremiah Hobb submitted written testimony in support of the bill with comments on the third party process. ([Attachment 13](#))

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Stanley Rasmussen submitted written testimony in support of the bill stating the Corps of Engineers stands ready to assist in any legislation. ([Attachment 14](#))

Duane Hund submitted written testimony in support of the bill stating there is no need for a third party and are willing to work with the Department of Conservation. ([Attachment 15](#))

Chairman Powell closed the hearing on the bill.

The meeting was adjourned at 9:20 am.