

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Larry Powell at 8:30am on Thursday, February 04, 2016, 159-S of the Capitol.

All members were present except:

Senator Greg Smith – Excused

Committee staff present:

Tamera Lawrence, Office of Revisor of Statutes  
Heather O'Hara, Legislative Research Department  
Toni Beck, Kansas Legislative Committee Assistant  
Raney Gilliland, Legislative Research Department

Conferees appearing before the Committee:

Aaron Propelka, Kansas Livestock Association  
John Donley, Kansas Farm Bureau  
Robin Jennison, Wildlife, Parks and Tourism

Others in attendance:

[See Attached List](#)

**Possible action on bills previously heard**

Chairman Powell turned the Committee's attention to **SB322-Creating application requirement and fee to appropriate surface water that otherwise leaves the state.**

*Senator Ostmeyer moved, Senator Kerschen seconded, **SB322** be recommended favorably for passage.*

*Senator Pyle moved, Senator Arpke seconded the amended balloon for **SB322** to include chemigations user's permit not necessary for only liquid fertilizer application. Motion adopted. ([Attachment 1](#))*  
Senator Francisco is a recorded No vote.

*Senator Kerschen moved, Senator Arpke seconded, the amended balloon for **SB322** to include a change in fee structure. Motion adopted. ([Attachment 2](#))*

Senator's Francisco, Hawk and McGinn are a recorded No vote.

*Senator Pyle moved, Senator Kerschen seconded, to insert **SB322-Act concerning water-relating to applications to appropriate contents as amended, into HB2059-Allowing chief engineer to allow augmentation to secure water. Motion adopted.***

*Senator Kerschen moved, Senator Arpke seconded, **Senate Substitute 2059** as amended be recommended favorably for passage. Motion adopted.*

Senator's Francisco and McGinn are a recorded No vote.

## CONTINUATION SHEET

MINUTES of the Committee on Natural Resources at 8:30am on Thursday, February 04, 2016 in Room 159-S of the Capitol.

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### Discussion:

Concerns were expressed if the actual fee price of \$30 will cover the expense of total processing. Actual processing will amount to \$22; considered a good number with a narrow margin that will be absorbed in the current budget.

### **Hearing on: SB384 — Amending provisions of the nongame and endangered species conservation act.**

Chairman Powell opened the hearing on the bill.

Tamera Lawrence presented an overview on the bill and a memorandum for consideration by the committee. ([Attachment 3](#))

Aaron Propelka provided testimony in favor of the bill commenting members have faced instances in the past where permits were threatened without proper public notification or adoption of critical habitat. ([Attachment 4](#))

John Donley provided support in testimony of the bill commenting it is aimed at ensuring that the Kansas Department of Wildlife, Parks and Tourism provides the proper notifications and increases transparency as a recovery plan is created and implemented. ([Attachment 5](#))

Mark Schreiber submitted neutral written only testimony stating sensitive species and their associated habitats have been easy to identify, and conversation and negotiation with Department of Wildlife, Parks and Tourism personnel has yielded inexpensive options for compliance. ([Attachment 6](#))

Robin Jennison testified as an opponent to the bill stating the department opposes the provisions contained. The management of threatened species is limited to publicly funded projects or projects which require a public permit. The department contends this bill is unnecessary as avoidance, minimization and mitigation have served the state well. ([Attachment 7](#))

Greg Barfield, Department of Agriculture submitted a report from the Division of Water Resources. The chief engineer is required to submit a written report on the law's implementation to the committee annually. ([Attachment 8](#))

A continuation hearing for additional opposition testimony will be at the next scheduled meeting, Wednesday, February 10.