

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairperson Larry Powell at 8:30am on Friday, March 11, 2016, 159-S of the Capitol.

All members were present

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:

Mark Rude, Groundwater Management District 3
Susan Metzger, Department of Agriculture
Aaron Popelka, Kansas Livestock Association
Patrick Vogelsberg, Kansas Irrigation Association
Kent Askren, Kansas Farm Bureau

Others in attendance:

[See Attached List](#)

Hearing on: SB491 — Department of agriculture division of water resources; groundwater management; rules and regulations; court procedures; position of chief engineer; impairment.

Chairman Powell opened the hearing on the bill. Tamera Lawrence presented an overview for the committee.

Mark Rude provided testimony in support of the bill commenting this provides needed coordination between state agents and the rights conveyed to local groundwater management districts with established groundwater management programs. Common law water right language persists in statute, but with no definition and no administrative place in the Division of Water Resources. ([Attachment 1](#))

Patrick Vogelsberg provided testimony in support of the bill commenting the bill is complex, but is still deserving of careful consideration with merit to the content. ([Attachment 2](#))

Susan Metzger provided testimony in opposition to the bill commenting that Kansas Department of Agriculture is very willing to coordinate with the Groundwater Management District on their management programs, and develop local regulations that will assist in the implementation of their programs. ([Attachment 3](#))

Aaron Popelka presented testimony in opposition to the bill stating the bill would violate policies of the

CONTINUATION SHEET

MINUTES of the Committee on Natural Resources at 8:30am on Friday, March 11, 2016 in Room 159-S of the Capitol.

state law declaring water right as real property rights. ([Attachment 4](#))

Kent Askren presented neutral testimony on the bill encompassing numerous aspects of states water law. The Chief Engineer remaining a classified position, is a subject yet to be explored with further consideration, not to be moved forward during this session. ([Attachment 5](#))

Discussion:

Federal Reserve Water Rights are still in effect dating back to 1832. Water rights are true property rights just as land. This bill could be a concern for the definition of "rights". Concerns were expressed over the classified position of the Chief Engineer position, considered unusual at that level.

Chairman Powell closed the hearing on the bill.

Senator Francisco has requested to have staff distribute the updated version of **HB2479-Act concerning agriculture; relating to the noxious weeds; amending K.S.A. 2-1314b** adopted amendments from March 10, included with her proposed amendment. ([Attachment 6](#))

The meeting was adjourned at 9:25 am. The next scheduled meeting will be Wednesday, March 16.