

MINUTES OF THE HOUSE ENVIRONMENT COMMITTEE

The meeting was called to order by Vice Chairman Mike Burgess at 3:30 P.M. on February 17, 2005 in Room 231-N of the Capitol.

All members were present except:

Representative Joann Freeborn- excused  
Representative Tom Hawk- excused

Committee staff present:

Raney Gilliland, Legislative Research Department  
Emalene Correll, Legislative Research Department  
Lisa Montgomery, Revisor of Statutes Office  
Pam Shaffer, Committee Secretary

Conferees appearing before the committee:

Greg Foley, State Conservation Committee  
David Pope, Chief Engineer, Dept of Water Resources  
Richard Wenstrom, Water Protection Association  
Susan Stover, Environmental Scientist, Kansas Water Office  
Mike Beam, Kansas Livestock Association  
Steve Swaffar, Kansas Farm Bureau  
Pat Lehman, Ground Water Management District #4  
Mary Jane Stankiewicz, Kansas Grain and Feed, and Kansas Agribusiness Retailers  
Leslie Kaufman, Kansas Coop Council  
John McCannon, KCC., Conservation Division, Legal

Others attending:

See attached list.

Vice Chair Burgess called the meeting to order.

Vice Chair Burgess asked that all guests please sign the guest log. Next Tuesday, February 22 there will be possible action on bills previously heard.

Vice Chair Burgess asked committee members to look over the committee minutes for February 1 and February 3, he will ask for a motion before the meeting is over today to approve the minutes.

Every committee member has a handout from Senator Ostmeyer answering a question from Rep. Johnson from the committee meeting on February 15. (See attachment 1)

Representative Olson made a motion to approve the minutes for February 1 and February 3, seconded by Representative Flora, motion carried.

Vice Chair Burgess opened the hearing on **HB 2400 - Establishes the irrigation transition assistance program**.

Greg Foley, State Conservation Commission, testified in favor of **HB 2400**, the mission of the proposed program is to reduce the consumptive use of water in over appropriated areas of the state. Transition grants provided to irrigators that result in dismissal of water rights is simply one tool, in a box of many, which could enable the state to better manage aquifer stabilization and stream recovery in priority areas. This program can make a difference. (See attachment 2)

Committee questions and discussion followed.

David Pope, Chief Engineer, Department of Water Resources, testified in favor of **HB 2400**, the Irrigation Transition Assistance Program (ITAP) will allow targeting high priority areas for reduced water use to achieve maximum results with limited public funds. The Rattlesnake Creek and Middle Arkansas subbasins already have water management strategies in place to implement the program and others will be developed in the

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future. (See attachment 3)

Committee questions and discussion followed.

Richard Wenstrom, Water Protection Association, testified in favor of **HB 2400**, Water Protection Association of Central Kansas (PACK) is actively promoting strip-till and irrigation scheduling with local producers to reduce water use. Of the seven program, three require legislative action and/or funding. One of these three is Water Rights Purchase. A map is attached showing the Priority Areas for Water Rights Purchase in the Rattlesnake Creek Basin. We ask that you pass **HB 2400** to facilitate the water rights purchase that we need to permanently reduce water use. The Rattlesnake Creek Basin would make an ideal pilot project for ITAP. (See attachment 4)

Committee questions and discussion followed.

Susan Stover, Environment Scientist, Kansas Water Office, testified in favor of **HB 2400**, the proposed legislation is consistent with the State's policy in the Kansas Water Plan on the management of the High Plains aquifer. The policy on the Ogallala portion of the High Plains aquifer is to conserve and extend the life of the aquifer; areas of the High Plains aquifer outside of the Ogallala are to achieve sustainable yield management by the year 2015. To help achieve these goals, the Kansas Water Plan recommends that a menu of options be provided, with emphasis on voluntary, incentive based programs. It specifically recommends state incentives for water right retirement. (See attachment 5)

Vice Chair Burgess announced that in order to keep things moving, all questions would be held until all the end of all proponents testifying.

Mike Beam, Senior Vice President, Kansas Livestock Association, testified in favor of **HB 2400**, I merely want to state to this committee that (1) ITAP is not a new concept (2) there are safeguards in place to assure the program is targeted and make the best use of limited state resources, and (3) the program has been "blessed" by many groups and organizations with an interest in the future of ground water use in central and western Kansas. (See attachment 6)

Steve Swaffar, Director of Natural Resources, Kansas Farm Bureau, testified in favor of **HB 2400** modifies the existing state statute for the water rights purchase program under the authority of the State Conservation Commission. We are in favor of allowing this program to move forward and allowing some funding through the State Water Plan to test this program. (See attachment 7)

Patrick Lehman, Board of Directors Groundwater Management District #4, testified in favor of **HB 2400**, transitioning acres out of irrigated production in specifically targeted areas is the most direct and effective way to slow the groundwater decline rates we have all been working towards. ITAP will play an important part in this effort. (See attachment 8)

Southwest Kansas Groundwater Management District passed out written testimony in favor of **HB 2400** to all committee members. (See attachment 9)

Committee questions and discussion followed for the proponents.

Mary Jane Stankiewicz, the Kansas Grain and Feed Association, and the Kansas Agribusiness Retailers Association testified in opposition of **HB 2400**, this same committee had hearings and voted down **HB 2620** last year when an irrigation transition program bill came before the committee. Then when it appeared that federal funding for this program was on the horizon, the legislative body was talked into putting a proviso into the State Conservation Commission's budget to allow the receipt of these funds for a pilot program. However, the receipt of federal funds has never occurred and so what was created in a rush is now being asked to be enacted on a permanent basis and instead of having a pilot program, your are being asked to have a statewide program. (See attachment 10)

Leslie Kaufman, Kansas Coop Council, testified in opposition of **HB 2400**, keeping land in agricultural

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production is extremely important to the agribusiness economy in Kansas. We firmly believe that a voluntary ITAP program can be developed that achieves the goal of reducing stress on water sources while still maintaining active production agriculture on the associated lands. The proposed regulations that **HB 2400** will draw-in do not, in our opinion achieve that balance. (See attachment 11)

Committee questions and discussion followed.

Vice Chair Burgess opened the hearing on **HB 2390** - Allows the Kansas Corporation Commission to increase financial assurance responsibilities for operators drilling wells after 1996.

John McCannon, KCC, Conservation Legal Division, testified in favor of **HB 2390**, with respect to changes proposed in this legislation, the Commission has ordered the Oil and Gas Advisory Committee to study and evaluate the financial assurance structure and make recommendations to the Commission in one year regarding the adequacy and sufficiency of the scheme to provide for the eventual plugging of orphaned wells drilled or reworked after 1996. (See attachment 12)

Committee questions and discussion followed.

Vice Chair Burgess adjourned the meeting at 5:46PM. The next scheduled meeting is February 22.