

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on March 14, 2008 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Emalene Correll, Kansas Legislative Research Department
Jason Thompson, Revisor of Statutes
Matt Todd, Revisor of Statutes
Adrienne Halpin, Committee Assistant

Conferees appearing before the committee:

Larry Brennan, Kaw Valley Drainage District
Lenny Meier, Kansas Vegetable Growers' Association
Steve Daily, Fairfax Drainage District
Ron Gaches, Kaw Valley Drainage District
Edward Moses, Kansas Aggregate Association

Others attending:

See attached list.

Chair McGinn opened the meeting with an amendment for **HB 2657**, limitations on motorboat exhaust noise.

Senator Francisco stated that the first proposed change to the bill would allow motorboat operators to remove a boat from Kansas waters (page 2, line 33), and that the second change would allow the bill to take effect on the publication of the Kansas register (page 3, line 2). Chris Tymeson, Kansas Department of Wildlife and Parks (KDWP), stated that KDWP is comfortable with the new language. Senator Francisco motioned to approve the amendments, seconded by Senator Wysong. The motion carried. Senator Francisco then motioned to move **HB 2657** out of Committee favorably, seconded by Senator Taddiken. The motion carried.

Chair McGinn re-opened the hearing for **SB 598**, drainage district excavation limitations.

Larry Brennan, Administrator, Kaw Valley Drainage District, testified in opposition to the bill (Attachment 1). Mr. Brennan stated that a drainage district's responsibilities are both to maintain facilities and to ensure that new risks are not introduced into the system. A drainage district must review each proposed excavation before a project can be approved, and, with that purpose, submits the application to the Corps of Engineers for review. Additionally, Mr. Brennan stated that drainage districts have monetary investments in the system to ensure prevention of soil movement from hydrostatic pressure. Mr. Brennan stood for questions.

Lenny Meier, President, Kansas Vegetable Growers' Association, testified in opposition to the bill (Attachment 2) stating that limiting the drainage district board's jurisdiction to one thousand feet of the center line would be ultimately harmful. As a party interested in the usability of the land, Mr. Meier stated that the drainage district ensures protection against erosion for land that lies within the flood plain. He further stated that the enforcement of the bill would be harmful to residents of areas around drainage districts. Mr. Meier stood for questions.

Stephen Dailey, Fairfax Drainage District, testified in opposition to the bill stating that the function of a drainage district is two-fold: (1.) the maintenance of the levee to protect against flooding, and (2.) maintaining the interior drainage to protect the levee, including the storm sewer lines which run well beyond a one thousand foot area. Mr. Dailey stated that, as a drainage district's responsibilities are not restricted to one thousand feet, its regulatory authority should also not be so restricted. Mr. Dailey stood for questions.

In answer to the Committee's questions, Jason Thompson, Revisor of Statutes, clarified for the Committee that **SB 598** addresses only those drainage districts which are traversed or touched by the Kansas river and contiguous to or include a part of a city of the first class.

CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 a.m. on March 14, 2008 in Room 423-S of the Capitol.

Edward Moses, Kansas Aggregate Producers Association, stood before the Committee to present additional information relating to the Committee's previous discussion including a map of expected aggregate ability in California—as an example of the national trend (Attachment 3). The amendment would strike lines 22-30 of the bill and replace them with the original language from K.S.A. 19-3309, thereby, Mr. Moses stated, resolving the question of permits.

Ron Gaches, Kaw River Drainage District, stated that there is concern that, because the district engineer's sole criterion for judging the advisability of a proposed project is whether or not it is detrimental to the levee, the full scope of the drainage district's responsibilities—including internal drainage—would not be factored into the decision making process. Current interpretation of the existing statute gives the drainage district authority in the entirety of the district.

Senator Bruce stated that the Committee would need to either let the decision of interpretation be made by the judicial system, or to clarify the language. After discussion, Senator Bruce motioned for the first sentence of the proposed amendment to be accepted, seconded by Senator Francisco. The motion carried.

Chair McGinn requested that Senator Bruce offer new language for the amendment and that the Committee continue the discussion at a subsequent meeting.

The meeting adjourned at 9:30.