

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 3:30 p.m. on February 11, 2009, in Room 783 of the Docking State Office Building.

All members were present.

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes
Corey Carnahan, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Pat Matzek, Committee Assistant

Conferees appearing before the Committee:

Tom Day, Legislative Liaison, Kansas Corporation Commission
Mark Rude, Executive Director, Southwest Kansas Groundwater Management District No. 3
John Donley, Assistant General Counsel, Kansas Livestock Association
Constantine Cotsoradis, Deputy Secretary, Department of Agriculture
Jay Garrison, Private Individual, Copeland, Kansas
Lane Letourneau, Program Manager, Division of Water Resources, Department of Agriculture

Others attending:

See attached list.

Representative Powell opened the meeting with the introduction of Tom Day, Legislative Liaison, Kansas Corporation Commission.

Hearing on:

HB 2241 - Requiring well identification signs be placed on or near certain oil or gas wells.

Proponent:

Tom Day, Legislative Liaison, Kansas Corporation Commission, (Attachment 1) provided documentation in favor of **HB 2241**, stating the Conservation Division would like to see KSA 55-165 changed to require operators to post signs at their wells and to provide for the Commission to adopt regulations concerning the well identification signs. Also included in this documentation were picture examples of existing signs.

Questions were asked and comments were made.

The hearing was closed on **HB 2241**.

Hearing on:

HB 2272 - Procedures for designation of an intensive groundwater use control area.

Proponent:

Mark Rude, Executive Director, Southwest Kansas Groundwater Management District No. 3, (Attachment 2) spoke as a proponent on **HB 2272**, recommending the proposed amendments be passed by the Kansas Legislature as clarifying language restoring the original 1978 Legislative intent in regard to initiating an intensive groundwater use control area (IGUCA) within the Groundwater Water Districts. Also included in Mr. Rude's testimony, was a copy of Testimony to Chief Engineer David Barfield (Attachment 3) which is testimony from the five water districts for an administrative hearing on this same topic as it relates to **HB 2272**.

Questions were asked and comments were made.

John Donley, Assistant General Counsel, Kansas Livestock Association (KLA), (Attachment 4) presented

CONTINUATION SHEET

Minutes of the House Agriculture And Natural Resources Committee at 3:30 p.m. on February 11, 2009, in Room 783 of the Docking State Office Building.

testimony in favor of **HB 2272**, stating the KLA and other stakeholders worked together to move forward on some procedural regulations that create a better process for creating and reviewing IGUCAs. Mr. Donley further documented the Department of Agriculture has maintained their interpretation that the Chief Engineer does have the ability to initiate an IGUCA within the boundaries of a Groundwater Water District (GMD). **HB 2272** will clarify the law to direct the Chief Engineer that an IGUCA may not be initiated within the boundaries unless the GMD recommends the initiation or a petition is signed by at least 5% of the eligible voters within the GMD.

No questions were asked or comments made.

Written testimony in favor of **HB 2272** provided by:

Tim Boese, Manager, Equus Beds Groundwater Water District No. 2 (Attachment 5)

Opponents:

Constantine Cotsoradis, Deputy Secretary, Department of Agriculture (Department), (Attachment 6) spoke in opposition of **HB 2272**, stating the Department's reason for opposing the bill is not because it opposes local input regarding water management issues as provided by the Groundwater District Act, but instead, because it removes an important water management tool currently available to the Chief Engineer. Mr. Cotsoradis further documented the Department believes the approach in **HB 2065** (Attachment 7), the other IGUCA bill, better balances the duties and responsibilities of the Chief Engineer with the need for local input on water management.

Questions were asked and comments were made.

Jay Garrison, Private Individual, Copeland, Kansas, (Attachment 8) presented testimony in opposition of **HB 2272**, documenting the Chief Engineer has a statutory responsibility to enforce Kansas water law and help manage the state's water resources according to that water law. Reducing the availability of an IGUCA as a tool available to the Chief Engineer sends a message to the local community and to the state as a whole that another 20 years of delayed action and deferred decisions is acceptable.

Questions were asked and comments were made.

Lane Letourneau, Program Manager, Division of Water Resources, Department of Agriculture, also answered questions from members of the Committee.

Senator Ostmeyer commented on the Rules and Regulations Committee. Constantine Cotsoradis, Deputy Secretary, Department of Agriculture, responded to Senator Ostmeyer's comments.

The hearing was closed on **HB 2272**.

The next meeting is scheduled for February 12, 2009.

The meeting was adjourned at 4:45 p.m.