

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:40 A.M. on February 22, 2005 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department  
Lisa Montgomery, Revisor of Statutes Office  
Gina Poertner, Committee Secretary

Conferees appearing before the committee:

Proponents:

Senator Ralph Ostmeyer  
John Fierro, Southshore Cabin Owners Association  
Geoff Withington, Smoky Hill/Saline Basin Advisory Committee  
Bill Scott, Western Kansas Water Watchers

Opponents:

J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks  
Tracy Streeter, Director, Kansas Water Office  
LaVene Brenden, Kansas Society of Professional Engineers  
David Pope, Chief Engineer, Kansas Department of Agriculture

Others attending:

See attached list.

The meeting was called to order by Chairman Carolyn McGinn at 8:40 a.m. SB 194 was discussed and Senator Lee was asked for her amendments. Senator Lee asked if anyone has come up with a new name for the hunting permits. Chris Tymeson suggested calling them Commission Permits. Senator McGinn suggested getting through the process of approving the bill before spending time on the name, which can be done later. Senator Lee also moved to amend Line 7 on Page 2 to change the 50% to 85%, which was seconded by Senator Taddiken. The motion passed by voice vote. Senator Lee stated that she would have another amendment when the bill reaches consideration by the full Senate. This amendment would allow the organization named Farmers and Hunters Feeding the Hungry to enter the drawing but be able to keep more of the money than other organizations.

Senator Francisco made a motion to change the wording in Line 8 of Page 2 of the bill from "and" to "or." Chris Tymeson asked that "related" on Line 8 Page 2 be stricken and all of Line 9 stricken. The motion was seconded by Senator Teichman.

Senator Pyle asked for an explanation of Senator Lee's amendment regarding Farmers and Hunters Feeding the Hungry. Senator Lee explained the Farmers and Hunters Feeding the Hungry and stated that since they are social services organizations, they should be allowed to keep more money than other organizations.

The motion passed by voice vote.

Senator Teichman made a motion to move SB 194 out of committee as amended, seconded by Senator Francisco. The motion passed by voice vote.

Chairman McGinn opened the hearing on SB 228 and asked Raney Gilliland to give a briefing on the bill. Following this, Senator Ostmeyer was recognized to present testimony in favor of the bill (Attachment 1). Senator Ostmeyer explained that Cedar Bluff Reservoir was the major economic development source for the Trego county area.

John Fiero was then introduced to present testimony on behalf of the Southshore Cabin Owners Association (Attachment 2). Mr. Fierro discussed the benefits of bringing the reservoir under the direction of the Kansas Department of Wildlife and Parks.

## CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 A.M. on February 22, 2005 in Room 423-S of the Capitol.

Geoff Withington of the Smoky Hill/Saline Basin Advisory Committee was next to testify (Attachment 3). Mr. Withington stated the importance of stabilizing the region surrounding the reservoir.

Bill Scott of the Western Kansas Water Watchers was then recognized to speak (Attachment 4). Mr. Scott provided photographs of the reservoir to illustrate the impact of water levels.

Senator Lee asked to have the term "impairment" defined. John Fierro stated that impairment referred to the outflow being greater than the inflow, also termed "depletion." Senator Lee stated that impairment means prevention from getting it to where it should be. She also mentioned the Colorado lawsuit.

In the interest of time, Senator McGinn asked the Committee if they were willing to hold another meeting to hear the opponents of the bill. Senator Huelskamp asked about getting the bill referred to an exempt committee in order to finish the hearing, given the Committee deadline. Senator McGinn stated she would contact the Senate President.

J. Michael Hayden, Secretary of Kansas Department of Wildlife and Parks, was then introduced to present testimony in opposition to the bill (Attachment 5). Mr. Hayden discussed the two main factors concerning the Department on this bill. The first factor is legislative pre-emption of the Kansas Water Appropriation Act. This bill takes away the water right of downstream user and gives them to the Department without due process and without compensation. The second factor is the burden of considerable cost to the Department and to the farmers along this waterway.

Senator McGinn stated that she would schedule another meeting to hear the remainder of the conferees. The meeting was adjourned at 9:30 a.m.