

Approved: 2/14/07
Date

MINUTES OF THE SENATE AGRICULTURE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on February 7, 2007 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research
Art Griggs, Office of Revisor of Statutes
Judy Seitz, Committee Assistant

Conferees appearing before the committee:

David Pope, Chief Engineer, Kansas Department of Agriculture, Division of Water Resources,

Others attending:

See attached list.

Chairman Taddiken welcomed the Mitchell County Leadership group to the Committee meeting.

Minutes for January 23, 24, 30 and 31 were distributed to Committee members and will be acted upon later in the meeting.

The Chairman also noted that the Committee had received a written Report of the Kansas Dairy Marketing Advisory Board.

Discussions on **SB 89- Water; Republican river conservation projects fund.** The Committee received four copies of the bill with proposed amendments.

Chairman Taddiken moved that "owned" be deleted in line 3 on page 2 and add "managed and paid for" (Attachment 1) Seconded by Senator Schmidt. Motion was discussed. Motion carried.

Chairman Taddiken moved that "reservoir maintenance or" be added at the beginning of line 17 (8) on page 2 of the handout (Attachment 2). Seconded by Senator Pine. David Pope, Chief Engineer, Kansas Department of Agriculture, Division of Water Resources, responded to questions. Motion passed.

Chairman Taddiken moved the addition on page one in Sec. 2 line 17 (a) of the following, "Five percent shall first be credited to the Republican river compact compliance and enforcement fund. Of the moneys remaining: (b)"; renumber (b) (c), in line 24 change (b) to (d), page two, Sec. 1, line 18 add the word "and " after reservoirs, delete "and" in line 19, and delete lines 20 and 21, on page 3, after line 3 add: "Sec. 4. (a) There is hereby established in the state treasury the Republican river compact compliance and enforcement fund to be administered by the Kansas department of agriculture. Revenue received pursuant to subsection (a) of Sec 1, and amendments thereto, shall be credited to the Republican river compact compliance and enforcement fund.

(b) The money deposited in this fund maybe expended only for the purpose of paying all or a portion of the costs incurred by the state for monitoring Nebraska's and Colorado's compliance with the Republican river compact; to resolve any disputes regarding the administration of the compact with Colorado and Nebraska; and to enforce the compact in the Republican river compact administration, an alternative dispute resolution process, or litigation.

(c)All expenditures from the Republican river compact compliance and enforcement fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the Kansas department of agriculture. No expenditure may be made from this fund without a specific appropriation by the legislature" Strike (4) and add (5) on page three line 4.

Seconded by Senator Schmidt. The motion was discussed. Motion passed.

A motion was made by Chairman Taddiken for the following changes to **SB 89** on page 1: delete Sec.2 (b) line 27 and 28 "the purpose of paying all or a portion of the costs of the water management, conservation, administration" and adding "conservation projects, utilization efficiency, administrative requirements," and

CONTINUATION SHEET

MINUTES OF THE Senate Agriculture at 8:30 a.m. on February 7, 2007 in Room 423-S of the Capitol.

Sec. 2 (c) line 34 delete “the purpose of paying all or a portion of the costs of the water management, conservation, administration” and adding “conservation projects, utilization efficiency, administrative requirements”, page2, (4), line 8, delete “implementation of water management plans or actions” and add “water measurement devices and upgrades installed as required by the division of water resources”, (9), line 19, striking “and”, (10), line 21 adding “;and” after the word “compact”, (11) expenses incurred to construct and operate off-stream storage.”

Seconded by Senator Pine. There was Committee discussion. David Pope addressed some issues expressed by Committee members.

Chairman Taddiken made a motion to leave (4) line 8 in the bill, add the “by water right holders” after the word “actions” and add the word “upgrades” in (5) line 10 add “the upgrades” after the word “equipment.” Further discussion was held. Motion to adopt the amendments passed. The Committee had other questions.

Staff noted technical changes to the bill page 2, line 4 of such canals or laterals; page 2 line 28 delete “extended” and replace with “expended.”

Senator Bruce made a motion to pass **SB 89** out of Committee as amended. Seconded by Senator Schmidt. Motion carried.

Senator Taddiken moved that a Substitute **SB 89** replace **SB 89**. Seconded by Senator Lee. Motion carried.

Motion by Senator Lee to report Substitute **SB 89** be moved out of Committee favorably. Seconded by Senator Francisco. Motion passed.

Senator Ostmeyer moved approval of the minutes of January 23, 24, 30 and 31. Seconded by Senator Huelskamp. Senator Bruce made a motion to correct the minutes of January 24, page 1, 2nd sentence delete “availability” and add “unavailability”, page 2, paragraph 4, line 3, insert “to” between necessary and have; January 30 minutes, page 2, paragraph 3, “of” in front of sale should be deleted. Motion passed to approve the minutes as corrected.

Meeting adjourned.