

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Ralph Ostmeier at 8:33 a.m. on February 17, 2011, in Room 159-S of the Capitol.

All members were present except:

Senator Steve Morris, Excused

Committee staff present:

Tamera Lawrence, Office of the Revisor of Statutes

Jason Thompson, Office of the Revisor of Statutes

Heather O'Hara, Kansas Legislative Research Department

Laura Younker, Kansas Legislative Research Department

Dana Wethington, Committee Assistant

Conferees appearing before the Committee:

Bill Bider, Director, Bureau of Waste Management, Kansas Department of Health & Environment

Earl Lewis, PE, Assistant Director, Kansas Water Office

Brad Shogren, President, Lower Smoky Valley Irrigators Association

Kent Askren, Water Resources Specialist, Kansas Farm Bureau

John Donley, Assistant Counsel, Kansas Livestock Association

Others attending:

See attached list.

SB 188 - Amending the exemptions from a solid waste permit

Chairman Ostmeier opened the hearing on **SB 188**.

Revisor Tamera Lawrence gave an overview. **SB188** would change existing law to expand the Kansas Department of Health and Environment's (KDHE) authority to approve the disposal of the demolition waste of buildings or structures at, adjacent to, or near the site of the building or structure without requiring a solid waste permit. The bill also would add additional evaluation criteria that the Secretary of KDHE must consider when determining whether to approve a request for off-site disposal of demolition waste. The additional criteria to consider would include public safety concerns, proposed plans to redevelop the demolition site, and the disposal capacity of any nearby permitted landfills.

Bill Bider, Director, Bureau of Waste Management, Kansas Department of Health & Environment, gave testimony in support of **SB 188**. He said the bill would significantly benefit small town redevelopment and minimize small town expenditures without impacting private landfill business practices. (Attachment 1) Discussion followed.

There being no further conferees, Chairman Ostmeier closed the hearing for **SB 188**.

Chairman Ostmeier called for final action on **SB 188**.

Senator Teichman made a motion, seconded by Senator Abrams to pass out favorably **SB 188**; motion carried.

SB 124 - Concerning the Kansas Water Office; relating to water supply storage access and creating the Lower Smoky Hill water supply access program

Chairman Ostmeier opened hearing on **SB 124**.

Revisor Tamera Lawrence gave an overview. **SB 124** would create the Lower Smoky Hill Water Supply Access District, the Lower Smoky Hill Water Supply Access Program, the Lower Smoky Hill Special Irrigation District, and the Lower Smoky Hill Water Supply Access Fund. The bill would create the

CONTINUATION SHEET

Minutes of the Senate Natural Resources Committee at 8:33 a.m. on February 17, 2011, in Room 159-S of the Capitol.

Lower Smoky Hill Water Supply Access Program within the Kansas Water Office. The agency, with the approval of the Kansas Water Authority, would have the authority to negotiate and enter into contracts for water supply access storage to be used for the purposes outlined in the bill. The agency also could designate all or any portion of the water held in Kanopolis Reservoir to water supply access storage to meet the needs of the Lower Smoky Hill Water Supply Access District. The bill would create the Lower Smoky Hill Water Supply Access Fund within the State Treasury, which would be administered by the Kansas Water Office. All expenditures from the Fund shall be for purposes of the provisions of the bill and made in accordance with appropriations acts. The bill would create the Lower Smoky Hill Water Supply Access District and authorize the establishment of an incorporating governing body. Prospective members of the Access District may join if they apply to the Kansas Water Office for water supply access storage, for the purposes of this act, and would apply for a water right which makes them eligible for membership under this act. The Director of the Kansas Water Office, in consultation with the Chief Engineer, would approve prospective members under certain conditions. The Access District would have authority to impose charges against members of the Access District to pay the Kansas Water Office the full annual amortized cost incurred for the operation, administration, and enforcement of the program. In addition, the Access District would have authority to impose additional charges for repayment of bonds used for certain projects or to finance the purchase of water storage in Kanopolis Reservoir and to cover district operating costs. All moneys would be remitted to the Kansas Water Office for deposit in the Lower Smoky Hill Water Supply Access Fund. The bill would authorize the Director of the Kansas Water Office to request releases of water supply access water by the federal government from the Kanopolis Reservoir and would communicate to the Chief Engineer the date and quantity of requests for releases. Each member of the Access District would adopt conservation plans and practices, which would be consistent with the guidelines maintained by the Kansas Water Office.

Earl Lewis, PE, Assistant Director, Kansas Water Office, provided testimony in support of **SB 124**. (Attachment 2) He stated it would allow the Kansas Water Office to provide access to water storage owned by the state in Kanopolis Reservoir to downstream users. The bill is the result of on-going discussion and review by stakeholders in the area since 2006. The bill would allow downstream surface water right holders to voluntarily form a special district for the purpose of purchasing storage in Kanopolis Reservoir.

Brad Shogren, President, Lower Smoky Valley Irrigators Association, provided testimony in support of **SB 124**. (Attachment 3) He said it would preserve the present water demands and create a system to address future needs.

Kent Askren, Water Resources Specialist, Kansas Farm Bureau, provided testimony in support of **SB 124**. (Attachment 4) He said irrigation water rights enhance agriculture production and provide consistency during years when water is in short supply.

John Donley, Assistant Counsel, Kansas Livestock Association, provided testimony in support of **SB 124**. (Attachment 5) He said the bill will allow water users below Kanopolis Reservoir to have an opportunity to purchase part of the storage capacity of the water that is owned by the state, providing users with the ability to meet water needs.

City of Salina: Jason Gage, City Manager; Martha Tasker, Director of Utilities provided written testimony in support of **SB 124**. (Attachment 6) The testimony said it would help Salina meet water demands during drought conditions.

Discussion followed.

There being no further conferees, Chairman Ostmeier closed the hearing for **SB 124**.

Chairman Ostmeier announced the next meeting is scheduled for February 18, 2011.

The meeting was adjourned at 9:30 a.m.