

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on January 18, 2007, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture
Steve Swafford, Director of Natural Resources, Kansas Farm Bureau
Tracy Streeter, Director, Kansas Water Office
John Donley, Government Affairs Department, Kansas Livestock Association
Greg Foley, Director, State Conservation Commission

Others attending:

See attached list.

Chairman McGinn asked staff members Raney Gilliland, Legislative Research Department; Judy Holliday, Committee Assistant; and Art Griggs, Revisor of Statutes Office, to introduce themselves to the group.

Chairman McGinn asked for bill introductions. Senator Ralph Ostmeyer suggested a bill to amend K.S.A. 65-34 et. seq., the Kansas Storage Tank Act to include applicable provisions of the Federal Energy Policy Act of 2005 (Attachment 1). Senator Ostmeyer made a motion that the bill be introduced. Senator Teichman seconded the motion. The motion carried.

Raney Gilliland reviewed **SB 15, Bill by Special Committee on Agriculture and Natural Resources establishing the Kansas dam rehabilitation program to provide cost-share assistance to rehabilitate certain deficient dams**. Mr. Gilliland explained that the program would be administered by the State Conservation Commission in consultation with the Chief Engineer of the Division of Water Resources, Department of Agriculture. In the program, no money would be provided to a participant until a permit is issued by the Division of Water Resources. The State Conservation Commission is required to adopt rules and regulations to implement the program.

Constantine Cotsoradis, Deputy Secretary, Kansas Department of Agriculture, testified as a proponent of **SB 15 (Attachment 2)**. Deputy Secretary Cotsoradis explained that the bill would create the Kansas Dam Rehabilitation Program, which would be administered by the State Conservation Commission in consultation with the Chief Engineer of the Division of Water Resources, Department of Agriculture. The Program is a cost-share program for assistance to rehabilitate or renew unsafe dams or dams reclassified as a result of development downstream. He referenced new language on pages 2 and 3 of the bill which sets out parameters of the program and criteria for participation in the program.

Steve Swafford, Director of Natural Resources, Kansas Farm Bureau, testified as a proponent of **SB 15 (Attachment 3)**. Mr. Swafford stated that the bill addresses the problem of dam upgrades resulting from downstream developments beyond the control of the dam owner. Kansas Farm Bureau believes flood inundation maps should be a component of the dam safety issue.

Tracy Streeter, Director, Kansas Water Office, testified as a proponent of **SB 15 (Attachment 4)**. Mr. Streeter explained that the Kansas Legislature appropriated \$750,000 from the 2005 State Water Plan Fund to the State Conservation Commission to address rehabilitation of existing watershed structures or those reclassified due to downstream development. The State Soil Conservation Commission was directed to adopt rules and regulations governing how funds would be spent. Federal cost-share assistance was available for rehabilitation of structures built with Natural Resources Conservation Service assistance. In addition, the policy section adopted in 2005 intended to provide a framework for state action regarding dam rehabilitation.

In the FY2008 budget, money allocated to this program within the State Conservation Commission is

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recommended to be used for dam construction located above federal reservoirs with public water supply storage, with the remainder of funds utilized statewide. In November 2006, the Kansas Water Authority expressed support for rehabilitation or mitigation of high or significant hazard privately owned dams from the State General Fund.

John Donley, Government Affairs Department, Kansas Livestock Association, testified as a proponent of **SB 15** (Attachment 5). Mr. Donley stated KLA supports **SB 15** because private landowners should not be solely responsible for funding repairs that benefit public safety where third party development has created the need for higher safety standards, and that private dam owners should not be forced into expensive repairs on their own dams when the only parties endangered by the dams are the owners themselves.

Greg Foley, Director, State Conservation Commission, testified as a proponent of **SB 15** (Attachment 6). Mr. Foley offered comments that the Commission believes would assist in implementing the program. He told the Committee that the State Conservation Commission supports the mission of a state funded program to provide rehabilitation for existing high and significant deficient dams and provide the most efficient and cost-effective program possible.

Senator Francisco introduced a balloon to **SB 15** (Attachment 7). Chairman McGinn asked Senator Francisco to hold the balloon to give the Committee an opportunity to read it before further discussion.

Chairman McGinn told the Committee they would continue work on **SB 15** next Friday or the following week.

Chris Tymeson, Chief Counsel, Kansas Wildlife and Parks, asked for the introduction of bills dealing in several areas: one dealing with hunter education, one on deer statutory review, and one dealing with changes needed on permits. Senator Taddiken made a motion to introduce Mr. Tymeson's bills, seconded by Senator Teichman. The motion carried.

Chairman McGinn told the Committee that Friday's meeting would be an update by the Kansas Department of Health and Environment.

The meeting adjourned at 9:25 a.m.