

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:09 a.m. on January 20, 2000 in 245-N of the Capitol.

All members were present except: Senators: Pugh, Tyson and Vratil who were excused.

Committee staff present:

Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Doug Wareham, Kansas Fertilizer and Chemical Association and Kansas Grain and Feed Association
Mary Jane Stattelman, Department of Agriculture
Mike Beam, Kansas Livestock Association
Bill Fuller, Kansas Farm Bureau
Charles Benjamin, Kansas Natural Resource Council and Sierra Club-Kansas Chapter

Others attending:

See attached list.

Chairperson Corbin called on Doug Wareham to explain a request for a bill introduction. The bill would set up an agricultural and specialty chemical remediation and response program to provide financial and technical assistance to agribusiness entities who choose to voluntarily address contaminated sites or are forced by EPA or KDHE to investigate or remediate a particular site (Attachment 1). Senator Morris moved to accept the conceptual request and the bill be drafted and introduced. The motion was seconded by Senator Biggs. Motion carried.

The minutes of January 10 and 13 were presented for approval. Senator Stephens moved the minutes be adopted. Senator Huelskamp seconded, and the motion carried.

SB -388 - Enacting the Kansas Water Banking Act

The hearing was continued. Chairperson Corbin announced that a fiscal note had been distributed. Mary Jane Stattelman was called on to represent the Department of Agriculture.

Ms. Stattelman said the department was testifying from a neutral position. She said it is the belief of the department that if the legislation is passed the process should proceed with caution. Her testimony listed the additional duties that would be required of KDA if the legislation is passed. In closing, she stated that caution will need to be taken to insure that consumption is not increased and that no ones water rights are impaired (Attachment 2). Other staff from the Department of Agriculture in attendance were: Tom Huntsinger, Mark Rude, and Bob Lytle. Mr. Huntsinger responded to several questions regarding consumptive use and historical use.

Mike Beam, Kansas Livestock Association, supported the bill. Since the issue has had considerable study by the Water Banking Task Force, Division of Water Resources, and the Water Office, it is the opinion of their association that the concept would inject flexibility for water usage and enhances water conservation. Therefore, their association respectfully asks the committee to give it favorable consideration (Attachment 3). Mr. Beam responded to questions on water conservation.

Bill Fuller, Kansas Farm Bureau, supported the opportunity for the holder of water rights to participate in water banking. However, they believe there are a number of issues that must be addressed and several questions that must be answered, and those questions appear on page 2 and 3 of his testimony (Attachment 4).

Charles Benjamin, Executive Director, Kansas Natural Resource Council and Kansas Sierra Club,

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supported the bill with some friendly suggestions being adopted. These amendments are included in his testimony, and he suggested the most important one was on Page 1, Line 31, Section 2(i) of the bill the term “unused water” is inaccurate. He suggested the following amendment: Substitute “unused portion of an authorized annual quantity from a bankable water right” (Attachment 5).

The hearing was closed.

Chairperson Corbin announced the agenda for next week. He reminded the committee that starting with the next meeting on January 25th we would be meeting in room 245-N. The meeting adjourned at 8:47 a.m.