

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on February 20, 2001 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Kansas Legislative Research Department
Mary Torrence, Revisor of Statute's Office
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Jamie Clover-Adams, Secretary of Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, KS 66612
David Pope, Chief Engineer, Water Resources Program, Kansas Department of Agriculture, 109 SW 9th, 2nd Floor, Topeka, KS 66612
Margaret Fast, Kansas Water Office, 901 S. Kansas Ave., Topeka, KS 66612-1249
Steve Frost, Executive Director, Groundwater Management #3, 409 Campus Drive Ste. 106, Garden City, KS 67846

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She called the committee's attention to a document that had been distributed from Charles Benjamin, Sierra Club, Kansas Chapter, concerning frequently asked questions about water quality standards proposed for Kansas by the U.S. Environmental Protection Agency (EPA). (See attachment 1)

The Chairperson opened the hearing on **HB2316**.

HB2316: An act concerning water; providing civil penalties for certain violations of laws and orders, terms, conditions and limitations relating thereto.

Raney Gilliland, Legislative Research, explained the bill.

Jamie Clover-Adams, Secretary of Agriculture, was welcomed to the committee. She appeared before the committee in support of the bill and the testimony of David Pope, Chief Engineer, Division of Water Resources, KDA. She answered questions raised by the committee concerning the bill. The Kansas Department of Agriculture needs a more efficient and effective mechanism than is currently available to enforce the provisions of the Kansas Water Appropriations Act. She feels we face stagnate resources and must find new ways to continue to fulfill our statutory obligations. (See attachment 2)

David Pope, Chief Engineer, Water Resources Program, KDA, was welcomed. He provided testimony in support of the bill. Diverting water for beneficial uses other than domestic ones requires a permit or water right. These permits and water rights have conditions and limitations imposed on them to protect other water users from impairment and to ensure that water is available to all citizens. Water users who exceed their limits, or violate conditions of their water rights, may jeopardize other users with a right to access a water supply. Total water appropriations are approaching the volume of water available for use, so it is increasingly important for regulatory authorities to effectively enforce compliance with the conditions and limitations of existing water rights. Implementing this bill will improve the division of water resource's ability to administer the Kansas Water Appropriation Act by giving KDA the tools to more effectively and efficiently enforce provisions of the Act. (See attachment 3)

Margaret Fast, Kansas Water Office, was welcomed to the committee. She testified in support of the bill and believes enforcement of the Water Appropriation Act is consistent with the goals, policies, and objectives of

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the Kansas Water Plan, especially those provisions in the bill related to: Water conservation plans; Installation or maintenance of a water measurement device; Maximum annual quantity or rate of diversion ; and Minimum desirable stream flow orders. The Kansas Water Authority adopted a position on water rights banking that states that water right enforcement is critical in the operation of a water right bank for both the participants in the bank and those who do not participate. There would be little incentive to lease available water from a bank if there were no or very light penalties associated with over pumping. (See attachment 4)

Steve Frost, Executive Director, SW Groundwater Management #3, was welcomed to the committee. He testified in support of the bill. The District is aware that compliance with “overpumping”, conservation plans, meter installation/operations, and special water right change approvals is a significant problem that can be improved with the deterrent prospects of civil penalty impositions. The District is currently negotiating with the Chief Engineer’s office to effectuate a stronger enforcement presence from the Division of Water Resources in their area. The success of increasingly sophisticated management strategies such as the “two pools” concept, “flex-appropriations”, and “long-moves” will necessarily require that an enhanced level of awareness and compliance be instituted well in advance of these mechanisms being implemented. (See attachment 5)

There were no opponents to the bill. The Chairperson closed the hearing on **HB2316**. She asked if the committee wished to make a motion.

Rep. Tom Sloan made a motion the amendment proposed by David Pope be adopted. (See attachment 3) Rep. Dennis McKinney seconded the motion. Motion carried.

Rep. Tom Sloan made a motion the bill be passed favorably as amended. Rep. Vaughn Flora seconded the motion. Motion carried. Rep. Clay Aurand will carry the bill on the House Floor.

The Chairperson opened **HB2047** for discussion or possible action.

HB2047: An act concerning water rights; relating to water banking; enacting the Kansas water banking act.

Mary Torrence, Revisor of Statutes, distributed copies of the Sub-Committee report and explained the changes that had been made to the bill. (See attachment 6) Questions and discussion followed.

Rep. Tom Sloan made a correction on page 5, line 27, to change “operated” to “operate”.

Rep. Vaughn Flora made a motion to adopt the balloon and include correction on page 5, line 27, change “operated” to “operate”. Rep. Dan Johnson seconded the motion. Motion carried.

Rep. Laura McClure made a motion to amend Section 5 (c) on page 5 to provide that not more than one water bank shall be established before July 1, 2002, and one additional one may be chartered on or after July 1, 2002. Rep. Dennis McKinney seconded the motion. Motion carried.

Margaret Fast distributed copies of an amendment to the bill and a copy of Safe Deposit Examples, for review. (See attachment 7) No action was taken on the amendment.

Rep. Tom Sloan made a motion the bill be passed as amended. Rep. Dennis McKinney seconded the motion. Motion carried. Rep. Joann Freeborn will carry the bill on the House Floor.

Chairperson Freeborn thanked the guests and the committee members for their attention.

The meeting adjourned at 5:05 p.m. The next meeting has not been scheduled.