

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

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

All members were present except:

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

Conferees appearing before the committee: Paul Liechti, Assistant Director, State Biological Survey,
University of Kansas, 2021 Constant Avenue, Lawrence, KS
66047-3729

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She introduced Mr. Paul Liechti, Assistant Director of the Kansas Biological Survey.

Mr. Liechti presented information to the committee regarding intermittent and ephemeral streams. The Kansas Biological Survey (KBS) is a research and service unit of the University of Kansas and a non-regulatory agency of the State. KBS strives to provide accurate and objective information to decision makers based on scientific research. Over the last 100-plus years of cataloging and studying the plants, animals, and natural communities of Kansas, they have learned much about the State's biological resources; not only where things are found but also how the flora, fauna, and ecology of the State has changed over time. There is little doubt that, except for infrequent natural catastrophes, that the most dramatic changes that have occurred in the biological resources of Kansas have been the result of our own actions; making the responsibility of managing our natural resources increasingly complex. Intermittent and ephemeral streams are harsh environments compared to perennial streams. But these streams provide habitat for an array of highly adapted macroinvertebrates and fishes that have unique life histories, biotic interactions and functions. It is because of this that the intermittent and ephemeral stream systems themselves are unique and add to the local and regional species diversity. (See attachment 1)

The Chairperson thanked Mr. Liechti for his presentation. She opened **Senate Substitute for SB204.**

Senate Substitute for SB204; Classified stream segments and designated uses of classified stream segments.

She welcomed Dave Murphy, Friends of the Kaw, to the committee. Mr. Murphy had presented written testimony to the Sub-Committee and made comments in opposition to the bill. He believes no one wants to take the chance that the bill will have the affect of lowering the water quality standards or reduce KDHE's ability to protect public health. However the choice of words in the bill and the amendments may do just that unless the bill is amended to address those errors. (See attachment 2)

Mary Torrence, Revisor of Statutes, distributed the Sub-Committee report on **Senate Substitute for SB204** and explained the changes that were made. (See attachment 3) The Chairperson asked if committee members wished to adopt the Sub-Committee report.

Rep. Jeff Peterson made a motion the Sub-Committee report be adopted. Rep. Sharon Schwartz seconded the motion. Motion carried. Questions and discussion followed.

Rep. Dan Johnson made a motion the bill be passed favorably as amended. Rep. Sharon Schwartz seconded the motion.

CONTINUATION SHEET

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at 3:30 p.m. on March 20, 2001.

Rep. Ted Powers made a motion to table the bill. Rep. Jonathan Wells seconded the motion. Motion failed.

Rep. Dan Johnson had made a motion the bill be passed favorably as amended. Seconded by Rep. Sharon Schwartz. Motion carried. Rep. Ted Powers voted no. Rep. Jonathan Wells voted no. Rep. Jeff Peterson will carry the bill on the House Floor.

The Chairperson opened **SB237** for discussion and possible action.

SB237: Groundwater right holder allowed to take average annual water use times five and use that resulting amount at any time over five years.

Mary Torrence, Revisor of Statutes, distributed a balloon to the bill and explained the changes that had been made. (See attachment 4)

Rep. Tom Sloan made a motion the balloon be adopted. Rep. Vaughn Flora seconded the motion. Motion carried. Questions and discussion followed.

Rep. Tom Sloan made a motion to amend the bill on page 1 line 35, strike "provide", add "implement a program providing". Rep. Vaughn Flora seconded the motion. Motion carried.

Rep. Laura McClure made a motion to amend the bill on page 1, after line 28, insert "(2) the withdrawal of water pursuant to the water right shall be properly and adequately metered;" (See attachment 5, #1). Rep. Vaughn Flora seconded the motion. Motion carried.

Rep. Laura McClure made a motion to amend the bill on page 2, after line 11, insert "(f) The provisions of this section shall expire on July 1, 2011." (See attachment 5 #2) Rep. Vaughn Flora seconded the motion. Motion failed.

Rep. Becky Hutchins made a motion to amend the **House Version of HB2047** into the bill. Rep. Dennis McKinney seconded the motion. Motion carried.

Rep. Becky Hutchins made a motion to amend the **House Version of HB2316** into the bill. Rep. Sharon Schwartz seconded the motion. Motion carried.

Chairperson Freeborn recognized Jamie Clover Adams, Secretary of Kansas Department of Agriculture. She proposed an amendment to the bill.

Rep. Tom Sloan made a motion, in response to a request by the Secretary of Agriculture, Jamie Clover Adams, to adopt an amendment to KSA 2000 Supp. 65-171d which would clarify current law regarding the respective jurisdictions of the Secretary of Health and Environment and the Secretary of Agriculture/Chief Engineer of the Division of Water Resources over matters pertaining water. Rep. Dan Johnson seconded the motion. Motion carried. Rep. Vaughn Flora voted no. Rep. Laura McClure voted no.

Rep. Becky Hutchins made a motion the bill be passed as amended. Rep. Bill Light seconded the motion. Motion carried.

Chairperson Freeborn thanked the committee for all of their hard work.

The meeting adjourned at 5:55 p.m. No further meetings have been scheduled.

Committee minutes for February 1, 6, 8, and March 1 were distributed to committee members and approved on March 29, 2001. Minutes for February 13, 15, 20 and March 6 were distributed to committee members and approved April 25, 2001. Minutes for March 8, 13, 15, and 20 were distributed to committee members and approved April 26, 2001.