

SENATE BILL No. 221

By Committee on Natural Resources

2-2

AN ACT creating the commission on water quality standards; relating to the powers, duties and functions thereof.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) On the effective date of this act, there is hereby created within and as part of the department of health and environment a water quality standards commission.

(b) The commission shall be composed of seven members who shall be appointed by the governor. One member shall be appointed from each congressional district with the remaining members appointed at large, however, no two members shall reside in the same county at the time of their appointment. At no time shall more than four members of the commission be members of the same political party.

(c) Subsequent redistricting shall not disqualify any member of the commission from service for the remainder of such member's term.

(d) The regular term of office of members of the commission shall be three years. Regular terms shall commence on the second Monday in January following appointment of the commission member.

(e) Of the members of the commission appointed in the year 2001: (1) Three members shall have terms ending on the second Monday in January 2004 and no more than two such members shall be members of the same political party; and (2) four members shall have terms ending on the second Monday in January 2005 and no more than two such members shall be members of the same political party.

(f) Any member appointed subsequent to 2001 shall be appointed for a four-year term, unless such appointment is to fill the unexpired term where a vacancy has occurred on the commission, in which case the member shall be appointed for the remainder of the unexpired term.

(g) Members of the commission shall have the following experience in one or more of the following areas and disciplines: Environmental sciences; civil engineering; business and industry; public finance; municipal wastewater treatment; agriculture or agribusiness; environmental law; public health sciences; aquatic biology; risk assessment; and cost benefit analysis. At least one member shall represent the general public. No state officer or employee shall be a member of the commission.

1 (h) Before assuming office as a member of the commission, each
2 person appointed as a member shall complete and file with the office of
3 the secretary of state a statement containing the information required in
4 a statement of substantial interests pursuant to K.S.A. 46-248, and amend-
5 ments thereto.

6 Sec. 2. (a) The initial meeting of the commission shall commence
7 following the appointment of all commission members by the governor.
8 The governor shall certify to the secretary of state that all commission
9 members have been appointed. Such certification shall be published in
10 the Kansas register. One week following such publication, the commission
11 shall meet in the office of the secretary of state and such meeting shall
12 commence at 10:00 a.m. The initial meeting of the commission may be
13 recessed and moved to another meeting place by common consent of the
14 members.

15 (b) Meetings of the commission subsequent to its initial meeting shall
16 be held and conducted as provided in this act in accordance with policies
17 and procedures established by the commission.

18 (c) Commencing at the time of the initial meeting of the commission,
19 the powers, authorities, duties and responsibilities conferred and imposed
20 upon the commission by this act shall be operative and effective.

21 Sec. 3. At the commission's initial meeting and at the commission's
22 first meeting after the second Monday in January of each odd-numbered
23 year, the commission shall organize by election of a chairperson, vice-
24 chairperson and such other officers as the commission deems appropriate.

25 Sec. 4. A quorum of the commission shall be four members and no
26 meeting shall commence until a quorum is present, but any number of
27 members less than a quorum may recess a meeting to a later time. Official
28 actions of the commission shall be adopted by a favorable vote of four or
29 more members. A recorded vote shall be taken and made a part of the
30 commission's public record.

31 Sec. 5. The commission may authorize members thereof to attend
32 in-state meetings for participation in matters of water quality to the state
33 of Kansas, and when attending a meeting so authorized, members shall
34 receive compensation and travel expenses and subsistence allowances as
35 provided in K.S.A. 75-3212, and amendments thereto, for members of
36 the legislature. Whenever under any provision of law, a member of the
37 commission is authorized to attend an out-of-state meeting, or whenever
38 the commission authorizes one of its members to attend an out-of-state
39 meeting for participation in matters of water quality interest to the state
40 of Kansas, such members, when attending a meeting so authorized, shall
41 receive compensation and travel expenses and subsistence allowances as
42 provided in K.S.A. 75-3212, and amendments thereto, for members of
43 the legislature.

1 Sec. 6. (a) The commission shall have such powers, duties and func-
2 tions as prescribed by this section. The commission shall serve in an ad-
3 visory capacity to the governor and the secretary to review and make
4 recommendations on department legislative initiatives involving water
5 quality standards and review and approve proposed rules and regulations
6 or proposed revised rules and regulations concerning water quality stan-
7 dards prior to the submission of such rules and regulations to the secretary
8 of administration pursuant to K.S.A. 77-420, and amendments thereto.

9 (b) The commission shall consider the following factors prior to mak-
10 ing a recommendation of classification of a stream segment:

11 (1) Actual flow data;

12 (2) sufficient scientific data and/or studies by the department or other
13 scientific sources that illustrate a need to protect water quality to preserve
14 the water quality of downstream users;

15 (3) potential economic and social costs of regulation resulting from
16 classification to the adjacent landowners and other users balanced against
17 the benefits achieved through such classification;

18 (4) historical use of the stream as evidenced by such documents as
19 adjacent landowner records or statements, state or federal data, or other
20 reliable data; or

21 (5) other factors the commission deems pertinent.

22 Sec. 7. This act shall take effect and be in force from and after its
23 publication in the statute book.

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