

Approved February 11, 1987
Date

MINUTES OF THE N.R. SUB COMMITTEE ON ENERGY AND NATURAL RESOURCES

The meeting was called to order by Representative Dennis Spaniol at
Chairperson

3:30 ~~a.m.~~/p.m. on February 2, 19 87 in room 526-S of the Capitol.

All members were present except:

Representative Rezac (excused)

Committee staff present:

Ramon Powers, Research Department
Theresa Kiernan, Revisor of Statutes' Office
Betty Ellison, Committee Secretary

Conferees appearing before the committee:

Representative Clifford Campbell
Sharad Bhatia, Kansas Department of Health and Environment
Margaret Baggs, Kansas Water Office
Bev Bradley, Kansas Association of Counties
Janet Stubbs, Homebuilders Association of Kansas

House Bill 2094--Fish and game; use of .22 long rifle cartridges.
Representative Campbell noted that he had been requested by a constituent to introduce this legislation. The bill would make it legal to hunt by artificial light with .22 long-rifle rim fire cartridges, as well as with .22 short or .22 long. Mr. Campbell read a brief note from the Fish and Game Commission which indicated that they were unable to attend the hearing, but had no problem with this measure. Committee discussion followed.

HCR 5001--Concurrent resolution encouraging counties to develop water-wastewater management plans. Re Proposal No. 8.
Sharad Bhatia was a proponent, representing the Department of Health and Environment. (Attachment 1) Mr. Bhatia noted that SB 482 was introduced to the 1986 Legislature at the request and recommendation of KDHE and the 1985 State Water Plan. SB 482 died during the 1986 Session and was referred to study by the Special Committee on Energy and Natural Resources during the summer of 1986. The Special Committee recommended that HCR 5001 be submitted to the 1987 Legislature for consideration. This bill encourages each county to submit a county-wide water/wastewater management plan to KDHE before January 1, 1988. During discussion, Mr. Bhatia said that the average cost for each county that had developed a plan was \$42,000. He also noted that current law requires the plan to be updated every five years, but the cost of updating would be very small in comparison to the initial cost.

Margaret Baggs, another proponent, represented the Kansas Water Office. She commented that while this resolution was not as strong as recommended in the 1985 Kansas Water Plan, her office did support encouragement of the counties to do this planning. She felt that counties needed to take positive steps to develop these plans to avoid public health and nuisance conditions. (Attachment 2)

Bev Bradley, representing the Kansas Association of Counties, spoke in support of HCR 5001. She felt that encouraging, rather than requiring the counties to develop these plans would result in a more positive response. (Attachment 3)

Janet Stubbs represented the Home Builders Association of Kansas with favorable testimony. She stated that her organization had opposed Senate Bill 482 in the 1986 Session and had worked on this during the interim with the Kansas Department of Health and Environment. Their primary concern had been the removal of federal funding and that the counties would still have to stand the expense of developing the plans.

CONTINUATION SHEET

MINUTES OF THE N. R. SUB COMMITTEE ON ENERGY AND NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 ~~xxx~~ a.m./p.m. on February 2, 1987

There was committee discussion relative to House Bill 2094. Representative Sallee, seconded by Representative Lacey, made a motion to recommend House Bill 2094 favorably to the Standing Committee. The motion carried. STANDING COMM. 2/4/87

Regarding HCR 5001, an amendment was suggested on lines 30 and 31, to delete "require the development and preparation of" and add "develop and prepare." Representative Shore, seconded by Representative Sughrue, made a motion to recommend HCR 5001, with the above amendment, favorably to the Standing Committee. The motion passed. STANDING COMM. 2/4/87

The meeting was adjourned at 4:20 p.m.

The next meeting of the Natural Resources Subcommittee of the Energy and Natural Resources Committee will be held at 3:30 p.m. on February 9, 1987 in Room 526-S.

KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT

TESTIMONY ON HCR 5001

PRESENTED TO THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES
FEBRUARY 2, 1987

This is the official position taken by the Kansas Department of Health and Environment on HCR 5001.

BACKGROUND INFORMATION

K.S.A. 65-3301, et seq., establishes requirements for preparation of countywide wastewater management plans, with exemptions available from the Secretary of KDHE for those counties with under 30,000 population. Plan preparation was required for those counties with population greater than 30,000 and nonexempt counties with population under 30,000, only if federal grant funds were available to pay 75% of the plan preparation cost. In 1981, the federal Clean Water Act was amended to reduce the level of federal participation in wastewater projects from 75% to 55%, and to prohibit further use of federal construction grant funds for planning purposes. Thus, no federal funds have been available for countywide wastewater management plan preparation since 1981.

S.B. 482 was introduced to the 1986 Legislature, at the request and recommendation of KDHE and the 1985 State Water Plan, to revise K.S.A. 65-3301, et seq., to remove the language requiring plan preparation only if federal grant funds are available to pay 75% of the plan costs. These plans are necessary to coordinate provision of public water supply and sanitary sewer service to developing areas. Currently these utilities are provided on a piece meal basis, with little thought given to fitting each piece into a long range plan. This often leads to redundant, expensive systems as utilities are quickly overloaded and must be replaced. S.B. 482 died during the 1986 session and was referred to study by the Special Committee on Energy and Natural Resources during the summer of 1986. The Special Committee recommended HCR 5001 be submitted to the 1987 Legislature for consideration. HCR 5001 encourages each county to submit a countywide water/wastewater management plan to KDHE before January 1, 1988.

STRENGTHS

HCR 5001 sends a message to Kansas counties that preparation of the plans is desired by the Kansas Legislature.

WEAKNESSES

The resolution does not have the full effect of law and could be ignored.

DEPARTMENT'S POSITION

Attachment 1 2/2/87
— Natural Resources Subcommittee—
House Energy and NR

KDHE supports HCR 5001, although it is less than the Department hoped to achieve through passage of S.B. 482 by the 1986 Legislature. HCR 5001 sends a message to the counties that the Legislature desires preparation of the plans and KDHE can use this support to encourage preparation of the plans in the appropriate counties.

Testimony Before the
House Energy and Natural Resources Committee
February 2, 1987

Re: House Concurrent Resolution No. 5001

As the Kansas Department of Health and Environment testified, S.B. 482 was introduced in the 1986 Session to implement the Countywide Water/Wastewater Management Plans Sub-section of the 1985 Kansas Water Plan. Though this resolution, HCR 5001, does not go as far as the Plan recommended, we support the concept to encourage counties to do this planning. Counties need to take positive steps to develop these plans to avoid public health and nuisance conditions. It is instructive to look at the history of the Countywide Water and Wastewater Management Plan recommendation. The Kansas Water Quality Management Plan, adopted by Concurrent Resolution in 1979, recommended adoption of legislation to require counties to prepare comprehensive water/wastewater management plans. This legislation, K.S.A. 65-3308 et seq., was passed in 1980 and 1981.

Some counties have developed plans; other need to. The circumstances that lead to the recommendation in 1979 still exist.

The preparation and implementation of countywide water/wastewater management plans are necessary to avoid further unplanned development that may lead to public health problems, nuisance conditions and economic hardships on the citizens of the state.

Kansas Association of Counties

Serving Kansas Counties

212 S.W. SEVENTH STREET, TOPEKA, KANSAS 66603 PHONE 913 233-2271

February 2, 1987

To: Representative Dennis Spaniol, Chairman
 Members of the House Energy &
 Natural Resources Sub-Committee

From: Bev Bradley, Legislative Coordinator
 Kansas Association of Counties

Re: HCR 5001

Thank you Mr. Chairman and members of the committee. The Kansas Association of Counties supports HCR 5001. We believe there were serious problems from the Local Government point of view with last year's bills, particularly SB-482 which would have required the preparation of countywide water-wastewater management plans regardless of Federal funding availability.

However, we have no problem with encouraging the development of a countywide water-wastewater management plan by each county. Some counties will be eager to do this, while others simply do not have the resources at this time. We support the county option concept.

Bev Bradley