

Approved

Ken Grotewiel
Date 4/8/91

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES

The meeting was called to order by Representative Ken Grotewiel at
Chairperson

3:30 ~~am~~/p.m. on March 26, 1991 in room 526-S of the Capitol.

All members were present except:

Representative McKechnie, excused

Representative Patrick, excused

Representative Webb, excused

Committee staff present:

Raney Gilliland, Principal Analyst, Legislative Research

Mary Torrence, Revisor of Statutes' Office

Pat May, Legislative Research

Lenore Olson, Committee Secretary

Conferees appearing before the committee:

Senator Janis Lee

Darrell Montei, Department of Wildlife and Parks

Karl Muedener - Director, Bureau of Water

Elizabeth Taylor - Kansas Water Well Association

Nancy Kantola - Committee of Kansas Farm Organizations

Ed Schaub - KPL Gas Service

Neil Woerman, Chief of Staff, Office of the Attorney General

Walter Wulff, Jr. - Chairman of the Waste Reduction, Recycling, and
Market Development Commission and Executive Vice President of the
Monarch Cement Company

Chiquita Cornelius, Executive Director, Kansas Business and Industry
Recycling Program

Joyce Wolf - Kansas Audubon Council

Kathleen Warren - Environmental Planning Consultant, Bureau of Air and
Waste Management

Chuck Bredahl - Special Assistant to the Adjutant General

The Chairperson called the meeting to order and opened the hearing on
SB 44.

Senator Janis Lee testified in support of SB 44, stating that some of
the senior citizens in her area believe that it is unfair to those who
travel to Oklahoma not to have the same reciprocal agreement as those
who winter in Texas. (Attachment 1)

Darrel Montei, Department of Wildlife and Parks, testified in opposition
to SB 44. He stated that while this bill would help some Kansas resi-
dents who wish to fish in Oklahoma, Kansas would lose revenue dollars.
As the paying resource user base decreases, it will fall on the remaining
users to pay higher fees or an increasing demand on the state general
fund will be required. (Attachment 2)

The Chair closed the hearing on SB 44 and opened the hearing on SB 90.

Karl Muedener, Bureau of Water, testified in support of SB 90. He
stated that the more knowledgable the driller, the better the final
product. Topics they anticipate for training include casing requirements,
grouting, well location from potential pollution sources, water quality,
drilling techniques, and materials. (Attachment 3)

Elizabeth Taylor, Kansas Water Well Association, testified in support
of SB 90. She stated that they believe licensed water well drillers
should have some continuing education, and the 5 to 8 hours credits
per year is an appropriate amount to begin continuing education. She
also submitted written testimony prepared by Douglas Henkle, Chairman
of the Kansas Water Well Association Legislative Committee.
(Attachment 4)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES,

room 526-S, Statehouse, at 3:30 ~~xxx~~/p.m. on March 26, 1991

Nancy Kantola, Committee of Kansas Farm Organizations, testified in support of SB 90. She stated that they support the Kansas Water Well Association in their effort to assure that licensed contractors who drill water wells are up to date on regulations, safety and environmental concerns. (Attachment 5)

The Chair closed the hearing on SB 90 and opened the hearing on SB 263.

Ed Schaub, KPL Gas Service, testified in support of SB 263, stating that this bill is simply an attempt to update a rather old statute which was put on the books in 1926. Use of the telephone and the telecopy will be added to this statute.

The Chair closed the hearing on SB 263 and opened the hearing on SB 46.

Neil Woerman, Office of the Attorney General, testified that the Attorney General supports the intent of SB 46, but, as drafted, the enforcement mechanism could be quite expensive. He stated that to investigate complaints and file legal actions in Kansas could cost \$207,000. He suggested two alternatives as shown on (Attachment 6) The Chair asked Mr. Woerman to provide language to deal with the meaning of "intended for single use" in defining rigid plastic containers.

Walter Wulf, Jr. testified in support of SB 46. He stated that he is interested in the potential evolution of plastics coding into recycling facilities located in Kansas resulting in jobs for Kansans. He also said that the Commission unanimously voted to recommend that legislation be adopted requiring coding on plastic bottles and plastic containers. (Attachment 7)

Chiquita Cornelius, Kansas BIRP, testified in support of SB 46. She stated that they support efforts to ensure that the national uniform system developed by the plastics industry is used in Kansas and the surrounding states because it will enhance their efforts to expand plastic recycling throughout Kansas. (Attachment 8)

Joyce Wolf, Kansas Audubon Council, testified in support of SB 46. She stated that by promoting the recyclability of plastics, a more steady supply of materials can be assured -- something that is crucial to the development of markets for recyclable materials. (Attachment 9)

Kathleen Warren, Division of Environment, testified that the basic elements of the SPI voluntary coding system have met virtually unanimous support. She also listed what she are incongruities in the approach taken by SB 46, as shown on (Attachment 10)

Written testimony on SB 46 was provided by:

Linda Richter, professor of political science at Kansas State University. (Attachment 11)

Larry Erickson, professor of chemical engineering and director for Hazardous Substance Research at Kansas State University. (Attachment 12)

The Chairman closed the hearing on SB 46 and opened the hearing on SB 79.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES,
room 526-S, Statehouse, at 3:30 a.m./~~p.m.~~ on March 26, 1991

Darrell Montei, Department of Wildlife and Parks, testified in support of SB 79. He stated that the impact on the Department would be slight as only 9 individuals have applied for a refund and they estimate that 50 people may take advantage of the opportunity. (Attachment 13)

Chuck Bredahl, Special Assistant to the Adjutant General, testified in support of SB 79. He stated that beyond the amount of money involved, this bill is most important for the support that it shows that the legislature, the State of Kansas and the citizens are providing to the members of the military who have been activated for the crisis in the Persian Gulf. (Attachment 14)

Written testimony supporting SB 79 was provided by:
Pamela Sharp, wife of Persian Gulf soldier. (Attachment 15)

The Chairman closed the hearing on SB 79.

The Chair then directed the Committee to turn to SB 90 and SB 263.

A motion was made by Representative Shore, seconded by Representative Gatlin, to pass SB 90 favorably. The motion carried.

A motion was made by Representative Freeman, seconded by Representative McClure, to pass SB 263 favorably. The motion carried.

The meeting adjourned.



JANIS K. LEE
 SENATE DEMOCRAT CAUCUS CHAIR
 STATE SENATOR, 36TH DISTRICT
 JEWELL, MITCHELL, NORTON,
 OSBORNE, PHILLIPS, REPUBLIC,
 ROOKS AND SMITH COUNTIES
 RR 1, BOX 145
 KENSINGTON, KANSAS 66951
 (913) 476-2294 HOME
 (913) 296-7366 TOPEKA



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

MEMBER: AGRICULTURE
 ASSESSMENT AND TAXATION
 ELECTIONS
 ENERGY AND NATURAL RESOURCES
 LEGISLATIVE EDUCATIONAL PLANNING
 COMMITTEE
 LOCAL GOVERNMENT

March 26, 1991

TO: HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

FROM: Senator Janis Lee

RE: Senate Bill 44

Representative Grotewiel and Committee Members;

Senate Bill 44 was introduced at the request of 30+ citizens from the Courtland (Republic County) area. They requested that Kansas enact a reciprocal senior citizens fishing license agreement with Oklahoma similar to the agreement currently in statue between Kansas and Texas, K.S.A. 1990 Supp. 32-906.

Oklahoma Law, Title 29, Section 4-110 Paragraph BZ provides for Oklahoma to have a reciprocal senior citizens license agreement with any state that has a similar law.

Many of the senior citizen of our state spend their winter months in Texas which, I suspect, is the main reason we have a reciprocal agreement with that state. Some of the senior citizens in my area believe that it is unfair for those who only go as far south as Oklahoma, not to have the same privilege. It is also possible that a reciprocal agreement would encourage Oklahoma residents to come to Kansas thus resulting in increased revenue to many businesses here.

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3/26/91

Attachment 1

Senate Bill #44

Testimony Provided To: House Energy & Natural Resources Committee

Provided By: Kansas Department of Wildlife and Parks

Date: March 26, 1991

Senate Bill #44 would allow Oklahoma residents who are age 65 and over to be exempt from purchasing a Kansas fishing license if Oklahoma allows Kansas residents the same privilege. Oklahoma has an open end reciprocal statute so passage of S.B. 44 would make the exemption effective.

The Department is primarily a fee fund agency and cannot support additional exemptions which would further erode the revenue base. Fees paid by resource users are used to maintain and provide for management and public recreation. While S.B. 44 would help some of our residents who wish to fish in Oklahoma, Kansas would lose revenue dollars. As the paying resource user base decreases, it will fall on the remaining users to pay higher fees or an increasing demand on the state general fund will be required.

The Department opposes S.B. 44.

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Attachment 2

Testimony presented to
House Energy and Natural Resources Committee

by

The Kansas Department of Health and Environment

Senate Bill 90

S.B. 90 authorizes and directs the Secretary of Health and Environment to establish continuing education requirements for water well contractors. The statute now requires a water well contractor to be state licensed. The state license is obtained by first passing an exam and annual renewal.

The intent of this bill is to allow development of regulations which would require well drillers to periodically attend training sessions on drilling techniques and requirements. Most wells are drilled under the control of the driller, as opposed to site specific specifications. The more knowledgeable the driller, the better the final product, helping provide the proper well water quality and protecting groundwater resources. Topics we anticipate for training include casing requirements, grouting, well location from potential pollution sources, water quality, drilling techniques, and materials.

We intend to rely on the groundwater industry and related groups to provide this training. The Kansas Water Well Association now hosts at least three training sessions per year. Additionally, similar training is available in surrounding states and nationally. We anticipate keeping a registry of approved training sessions and allowing drillers to present for approval information on sessions not listed. The intent is to continually update the knowledge of the driller.

By relying on training sessions, not necessarily sponsored by KDHE, we are not requesting any new positions or funding. Staff now participate in training sessions so we expect the only extra work to be in reviewing the 185 annual license renewals for the continuing education requirements.

We support passage of S.B. 90.

Testimony presented by: Karl W. Mueldener
Director
Bureau of Water
March 26, 1991

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Attachment 3

Elizabeth Taylor and
STATEMENT OF DOUGLAS R. HENKLE

CHAIRMAN OF THE KANSAS WATER WELL ASSOCIATION LEGISLATIVE COMMITTEE
AND
WATER WELL CONTRACTOR FROM GARDEN CITY
BEFORE THE
HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES
ON
SENATE BILL 90

Chairman Grotewiel and Members of the Committee, I thank you for the opportunity to testify as a proponent of Senate Bill 90. I am presently serving as Chairman of the Kansas Water Well Association Legislative Committee and the views I will present have the full support of the leadership and general membership of that organization.

The Kansas Groundwater Exploration and Protection Act provides for the licensing of water well contractors and states that "in granting of such licenses due regard shall be given to the interest of the state of Kansas in the protection of its underground water resources". In light of that statement, the Act further declares that "under such reasonable rules and regulations as the secretary may adopt pertaining to the business of water well contracting and construction of water wells, the secretary shall investigate by examination or otherwise, the qualifications of all applicants for initial licenses as water well contractors to construct, reconstruct or treat wells for production of underground waters in this state." The Act then spells out the qualifications required of each candidate for such an examination and include:

- (a) Familiarity with Kansas water laws, sanitary standards for

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Attachment 4

water well drilling and construction of water wells, and rules and regulations relating to water well construction, reconstruction, treatment, and plugging as adopted by the secretary;

(b) Knowledge of groundwater and subsurface geology in its relation to well construction.

The KWWA supports the examination process, as far as it goes, and we feel that it does initially help protect Kansas' underground water resources by verifying that the prospective licensee has met the qualifications for licensing at the time of the examination. However, once the contractor passes the examination and receives his license the only requirement which must be met in order to retain the license from year to year is payment of an "annual fee as determined by the secretary". This does not provide assurance that the license holder, in the ensuing years as a Kansas water well contractor, will be familiar with CURRENT Kansas water laws as adopted by the secretary and as presumably intended by law.

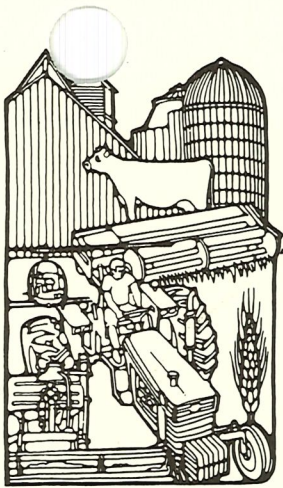
Neither does the present statute assure the public that the water well contractor offering his services in Kansas is aware of up-to-date well construction techniques, tools or equipment. I would not suggest that the Act was ever intended to provide such an assurance, but, if Senate Bill 90 does become law and continuing education is mandatory, the contractor will at least have been exposed to the latest information in the water well industry.

Continuing education requirements are common among other professionals and should be no less common among groundwater professionals. Physicians, educators, and others providing such essential services to the public are required to attend continuing education classes or seminars for the purpose of retaining the license or certificate required by law in order to practice their chosen

professions.

Safe groundwater is no less critical to the welfare of every citizen of our state than is modern medical care or quality education. As aquifer pollution and contamination become less rare, the quality and professionalism of those locating and removing our precious groundwater from the aquifers must increase. The era of the dowser must be replaced with a new generation of well-informed, responsible water well contractors, as are most contractors. Unfortunately, not every driller makes the effort to attend the numerous seminars, conventions, and short courses offered throughout the region by manufacturers, associations, colleges, and state agencies. Many contractors are well-meaning, but do not see immediate returns from time invested in continuing education. However, the benefits to future generations of Kansans will be great.

The Kansas Water Well Association supports Senate Bill 90 and clean groundwater in Kansas and we would appreciate your passage of this bill.



Committee of Kansas Farm Organizations

STATEMENT OF POSITION OF THE COMMITTEE OF KANSAS FARM ORGANIZATIONS

RE: S.B. 90

House Committee on Energy and Natural Resources

March 26, 1991

Nancy E. Kantola
Legislative Agent
3604 Skyline Parkway
Topeka, KS 66614
(913) 273-5340

Mister Chairman, Members of the Committee: I am Nancy Kantola, Legislative Agent for the Committee of Kansas Farm Organizations. Our group is comprised of twenty-one member organizations. We require a unanimous vote to take a position on an issue.

We support the Kansas Water Well Association in their effort to assure that licensed contractors who drill water wells are up to date on regulations, safety and environmental concerns.

Our members strongly endorse this amendment to the Kansas Groundwater Exploration and Protection Act. In Kansas, we require continuing education for many other state licensed businesses and professions.

Surely those we hire to provide drinking water for our families and livestock as well as irrigation for crops should be kept current with environmental science, industry techniques and government regulations as do our C.P.A.'s, lawyers, insurance agents and real estate brokers.

Our understanding is that it will not require state funding and we ask your vote in favor of this bill.

Respectfully submitted,

Nancy E. Kantola
Nancy E. Kantola

Committee of Kansas
Farm Organization Members
Associated Milk Producers, Inc.
Kansas Agri-Women Association
Kansas Association of Soil
Conservation Districts
Kansas Association of
Wheat Growers
Kansas Cooperative Council
Kansas Corn Growers Association
Kansas Electric Cooperatives
Kansas Ethanol Association
Kansas Farm Bureau
Kansas Fertilizer and
Chemical Association
Kansas Grain and Feed
Dealers Association
Kansas Livestock Association
Kansas Meat Processors
Association
Kansas Pork Producers Council
Kansas Rural Water
Districts Association
Kansas Seed Industry Association
Kansas Soybean Association
Kansas State Grange
Kansas Veterinary Medical
Association
Kansas Water Well Association
Mid America Dairyman, Inc.

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Attachment 5

Woerman



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

Testimony by
Neil A. Woerman, Chief of Staff
Before the House Committee on Energy and Natural Resource
Regarding Senate Bill 46
March 26, 1991

Mr. Chairman and Members of the Committee:

The Attorney General supports the intent of Senate Bill 46. He believes the mandatory labeling of plastic bottles and containers would be beneficial to the recycling of plastics. However, as drafted, the enforcement mechanism could be quite expensive.

Presently, the bill calls for the Attorney General, if he believes anyone is selling an illegal plastic bottle or container or a product in an illegal plastic bottle or container, anywhere in the state, to give notice of violation of the act, and if the violation continues, to file suit and seek civil penalties of \$50, \$500 maximum. While many products we have surveyed recently appeared to be in compliance with this act already, we there also are many products in the thousands of retail outlets throughout the state which are not in compliance. To investigate such complaints and perhaps file legal actions in the 105 counties of this state could be very expensive. Our fiscal note suggested a cost of \$207,000. Assuming there will be violations, we simply could not enforce this act statewide without additional staff.

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Attachment 6

We suggest two alternatives. The first is to simply eliminate the language of Subsection 1(c) and replace it with language making violation a misdemeanor punishable by a fine of up to \$50 per violation. This would allow for enforcement by the county or district attorney or this office.

Secondly, the act's application could be changed to the product manufacturer only, thus limiting actions to only a few suppliers of such containers, or products in such containers, with the main deterrent being injunction to not allow distribution of the product in Kansas. We would pursue this alternative at a lower cost than that previously estimated, but additional staff still would be required.

Finally, I would note that the meaning of "intended for single use" is unclear in Subsection 1(a)(5) in defining rigid plastic container. This should be clarified. Also, we believe you should address the issue of supplies on hand prior to the effective date of this act; it doesn't appear to be in the spirit of recycling to require destruction of those items not in compliance with the act but acquired by a Kansas retailer or other distributor prior to its effective date.

Again, the Attorney General supports the concept of the bill, but believes it can be made better through clarification and making its enforcement provisions more realistic.

Energy and Natural Resources Committee of the Kansas House of Representatives

Testimony

Tuesday March 26, 1991

Chairman Grotewiel and members of the committee:

I'm Walter Wulf Jr. Chairman of the Waste Reduction, Recycling, and Market Development Commission, and Executive Vice President of The Monarch Cement Company. On behalf of the commission, I am here to support the bill requiring labeling of plastic bottles and containers. The commission heard testimony and discussed this issue at our meeting held December 5, last year. On January 9th of this year the commission discussed the issue further with the result that the members present, without dissent, voted to recommend that legislation be adopted requiring coding on plastic bottles and plastic containers. The commission reviewed a draft of the bill presented to the commission by Senator Oleen. The commission supports her efforts and the efforts of the other sponsors.

At the commission meeting held last Friday, after SB46 had passed out of the Senate, the commission further voted to recommend to the Legislature that the bill be amended to require, in addition to its present requirements, coding of plastic bottles of eight ounces or more but less than five gallons beginning July 1, 1996. The present form of the bill requires plastic bottles from sixteen ounces to five gallons to be coded beginning July 1, 1993.

Speaking no longer for the commission but now as one who has been active in economic development in Kansas for many years, I am interested in the potential evolution of plastics coding into recycling facilities located in Kansas resulting in jobs for Kansans. Quoting from a book entitled The Green Consumer (John Elkington, Julia Hayes and Joel Makover; Penguin Books, 1990, pg. 42) "Recycling creates six times as many jobs as does landfilling and incineration." Adopting a recognized system of coding in Kansas is essential for the establishment of a method to assist material separators in identifying which bottles can be recycled. The system will also aid environmentally conscious consumers in choosing containers that have potential for recycling.

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Attachment 7

Pag

Although recycling would be my personal preference for disposing of plastics there is another possibility for those plastics with no existing market. Plastics represent energy and the potential is there for recovery of that energy through incineration in industrial boilers and furnaces. Depending on the type of incineration process, it may be necessary to sort these plastics, and marking by code is inherent to the sorting process.

In closing, let me say that recycling and resource recovery make sense for Kansas. This bill makes sense for Kansas. The Recycling Commission and I urge you to support it.



Kansas Business and Industry Recycling Program, Inc.

2231 S.W. Wanamaker Rd., Suite 200, Topeka, KS 66614 (913) 273-6808 FAX: (913) 273-2405



Testimony

March 26, 1991

House Energy and Natural Resources Committee

SB 46

Plastic Containers Coding System

Mr. Chairman and Members of the Committee:

I am Chiquita Cornelius, Executive Director of the Kansas Business and Industry Recycling Program.

As you know the Society of the Plastics Industry, Inc. (SPI) developed the voluntary coding system for plastic containers which identifies bottles and other containers by material type. The industry fostered the coding system to provide a uniform system for coding that meets the needs of the recycling industry, as defined by the recyclers and collectors themselves.

We support efforts to ensure that the national uniform system is used in Kansas and surrounding states for we feel it will enhance our efforts to expand plastic recycling throughout Kansas. We have already incorporated information on the coding system in our Recycling Directory published in late 1990 so that we could start educating the public on how to identify plastic bottles by resin type.

We are proud of the programs our members have implemented to collect plastic containers in Kansas for recycling and are dedicated to increasing and expanding upon these programs.

*E+NR
3/26/91
Attachment 8*

Attached to my testimony you will find a letter from The Council for Solid Waste Solutions which supports passage of SB 46 as drafted and a list of the twenty-seven states that have endorsed the coding system developed by SPI.

Respectfully submitted,

Chiquita Cornelius
Chiquita Cornelius



Francis M. Fitzgerald, II
Midwest Region
Government Affairs Manager

February 1, 1991

Chiquita Cornelius
Executive Director
Kansas BIRP
2231 SW Wanamaker Road
Suite 200
Topeka, KS 66614

Dear Chiquita:

Thank you for sending us a copy of SB 46. After reviewing the proposal I wanted to send you the following comments.

The Council for Solid Waste Solutions supports the voluntary use of the coding system and uniform enforcement. SB 46 follows the national model code in all respects. We support efforts in Kansas to recycle plastic and in this regard we think SB 46 should pass as drafted. This will ensure a uniform system throughout the midwest and the rest of the country. Currently 27 states have passed a form of this legislation however, SB 46 is right on target and mirrors again the national model.

Enclosed is a listing of all the states which have adopted SPI's plastic container coding system, and background information on coding.

Sincerely,

Francis M. Fitzgerald
Midwest Government Affairs Manager

First National Bank Building
332 Minnesota Street,
Suite E-916
St. Paul, MN 55101
612.222.8628
FAX: 612.222.6057

A Division of
The Security of the First National Bank, Inc.
recycled paper

8-3

STATES REQUIRING PLASTIC CONTAINER CODING

Prepared by the Council For Solid Waste Solutions - October 13, 1990

The following states require the coding of plastics bottles of 16 ounces or more and other rigid plastic containers of 8 ounces or more following the Society of the Plastics Industry voluntary coding program.

DEADLINE FOR CODING

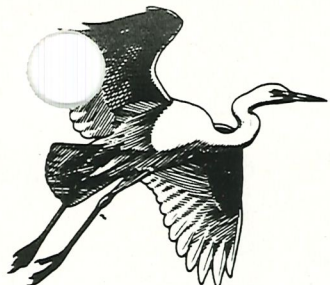
January 1, 1990	Connecticut - regulations approved.
July 1, 1990	Florida - regulatory letter issued.
January 1, 1991	Wisconsin - regulations approved.
	Illinois
	Minnesota - draft regulations issued.
	Louisiana
	Ohio - draft regulations issued.
	Georgia
	New Jersey
	Rhode Island
July 1, 1991	Texas
	Massachusetts
	Maine
	North Carolina
	Tennessee
	Alaska
	Arizona
	Oklahoma
December 31, 1991	North Dakota
January 1, 1992	Michigan
	California
	Missouri
	Indiana
	Hawaii
July 1, 1992	Iowa
	Colorado
	Virginia

Note: New Hampshire has enacted legislation to establish a state recycling emblem program which recognizes and protects the SPI voluntary coding program as a distinct material identification system.

* The Wisconsin coding law was revised by the legislature on June 30, 1989 to change the deadline from January 1, 1990 to January 1, 1991. The revision imposes new coding requirements to be phased in over four years. By January 1, 1991, it requires coding of bottles and other rigid containers holding 16 ounces or more and beverage bottles of 8 ounces or more. By January 1, 1992, rigid containers of 8 ounces or more are affected. As of January 1, 1993, non-beverage bottles of 8 ounces or more must be coded. Retailers will have one additional year to comply for each category of containers.

1990 State Legislation Still Pending: Pennsylvania

1990 State Legislation That Died: Kansas, Kentucky, Maryland, South Carolina, Utah, Vermont, Delaware



Kansas Audubon Council

SB 46

March 26, 1991

House Energy and Natural Resources Committee

I am here today to testify on behalf of the 5000 Kansas members of the National Audubon Society and the 850 members of the Kansas Natural Resource Council.

One of the ways to protect our natural resources, is to promote reuse and recycling of materials, thereby keeping virgin raw materials in reserve for the future. KNRC and the Kansas Audubon Council support SB 46 because it will facilitate plastics separation by type, and therefore make them more easily recyclable. The coding system called for in SB 46 was adopted in 1988 by the Plastic Bottle Institute, and 27 other states already require this system of labelling. Without this kind of identification code, it is extremely difficult to differentiate one kind of plastic from another, and makes recycling more problematic.

Kansans are fortunate to be served by Dillon's Stores which have voluntarily begun recycling certain plastic containers. While there are currently few markets for the other types of plastic bottles and containers, hopefully those markets will have begun to be developed by the time this bill takes effect. By promoting the recyclability of plastics, a more steady supply of materials can be assured -- something that is crucial to the development of markets for recyclable materials. SB 46 is one more tool that Kansas can use to properly manage its solid waste stream.

The one suggested amendment that we would offer is that by 1996 the size of plastic bottles that must be coded be reduced to 8 oz. We offer this amendment because of the large number of toiletry and cleaning-supply containers which are packaged in containers of less than 16 oz and because we feel that five years gives industry adequate time to meet the requirement.

I appreciate the opportunity to express our support of SB 46 and urge the committee to vote favorably on it.

E+NR
3/26/91
Attachment 9



State of Kansas

Governor Joan Finney
Department of Health and Environment
Division of Environment

Acting
Stanley C. Grant, Ph.D., Secretary

Forbes Field, Bldg. 740, Topeka, KS 66620-0001

Respond to:
FAX (913) 296-6247

Testimony Presented to
House Energy and Natural Resources Committee

by
Kansas Department of Health and Environment

SENATE BILL 46

Distinguishing one type of plastic from another is a nagging problem in separating plastics for recycling. Several states have passed legislation requiring coding of plastic. Plastic containers may not be sold or offered for sale in these states unless they have a molded imprint indicating the plastic resin used to produce the container. The plastics industry has voluntarily adopted a coding system.

The Kansas Commission on Waste Reduction, Recycling, and Market Development has reviewed the issue of recycling in depth. The intent of this bill is compatible with the recommendations of that group.

The bill does not impose any new requirements on the Department of Health and Environment. The enforcement authority is vested with the Attorney General.

The basic elements of the SPI voluntary coding system have met virtually unanimous support: each of seven different plastic resin types is to be designated by a number imprinted on the bottom of the containers. The primary aim is to assist recycling processors, not consumers, to make proper separation of resin types as may be appropriate to their recycling operations.

The Council for Solid Waste Solutions has drafted a plastic container coding legislation (attached). Provisions of Senate Bill 46 appear to be consistent with the Council's recommended legislation, except for a section dealing with failure to comply. The Council has inventoried other states which have adopted legislation dealing with coding of plastic bottles. Nineteen states have adopted legislation or have proposed regulations, adopting the Society of Plastics Industry coding program. In addition, eleven states have proposed legislation in 1990.

The coding mechanism outlined was developed as a voluntary effort by certain segments of the plastic container industry. Since then a number of states have passed legislation making coding mandatory within those states. The primary purpose of the marking system is to allow persons who wish to recycle, an opportunity to sort the varieties of plastic container products into the seven categories listed in the bill. Practically all of the post-

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Director of Health
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Director of Environment
(913) 296-1535

Lorne Phillips, Ph.D.,
Director of Information
Systems
(913) 296-1415

Roger Carlson, Ph.D.,
Director of the Kansas Health
and Environmental Laboratory
(913) 296-1620

consumer recycling systems presently in operation require manual sorting of the different types of plastics from the waste stream and then from each other. The department believes that containers in which consumer products are marketed are, for the most part, already coded with the markings.

Several incongruities exist in the approach taken by Senate Bill 46. These are:

- (1) The size limitations imposed in the definitions of bottle and container;
- (2) If it is desirable to encode plastic containers for recycling, then why not require encoding of other plastic items marketed as consumer goods?;
- (3) It is not clear in section (1)(b) just who the person is who distributes, offers for sale or sells the container or the bottle. At what point does prohibition kick in? Using the example of a milk jug -- Who is the responsible party? Is it the person selling an empty jug to the dairy, the dairy who fills the jug, the wholesale grocer or the grocer who sells at retail? Or all four?
- (4) Finally, some environmental groups have objected to the use of the universal recycling symbol as a part of the code. They argue an item isn't recyclable until or unless there exists an opportunity to recycle that item. For several of the plastic products there are no practical methods of recycling available at this time.

Thank you for your attention. I will be happy to answer any questions.

Testimony presented by: Kathleen Warren
Environmental Planning Consultant
Bureau of Air and Waste Management
Division of Environment
March 26, 1991

Statement in Support of Senate Bill No. 46

My name is Linda Richter. I am a professor of political science at Kansas State University. My comments reflect both my teaching interest in public policy and my personal interest and experience in recycling.

It is my concern that the State of Kansas provide some leadership to the many Kansans ready to help on environmental issues. Senate Bill No. 46 is one effort to move in that direction. The bill imposes no hardships on plastics producers. It involves a minimal one-time expense to change the die-cast. Making plastic acceptable environmentally is in the producers' interest. The bill is practical. Some 20 states already have plastic labeling laws that have greatly facilitated the systematic and efficient recycling of plastic. By using the international code common to these states and other nations, Kansas assumes no economic disadvantage. Rather, it makes it that much easier for recyclers in this state to be assured that plastic collected here can be processed here or elsewhere in the most convenient and expeditious manner. To the degree that plastic becomes more readily recyclable, opportunities will exist to reduce waste, recover energy, and lengthen the lifespan of landfills.

The bill is necessary. Much plastic coming into the state does have the code. However, some doesn't which hampers cost-effective sorting and maximum recycling. Every state that adopts plastic labeling in effect encourages the cooperation of every other state. The sooner this labeling is adopted in Kansas the more plastic will get recycled. More than that, we enhance the likelihood that employment in recycling and perhaps jobs linked to recycled plastic production will be created in Kansas.

I would urge the committee to support SB #46.

*E+NR
3/26/91
Attachment 11*

STATEMENT IN SUPPORT OF SENATE BILL NO. 46

My name is Larry Erickson; I am a professor of chemical engineering and director of the Center for Hazardous Substance Research at Kansas State University; however, this testimony represents my personal views on the bill.

There are several different types of plastics which are identified in the bill. Recycle and reuse of individual types of plastic is a commercial success at the present time. The proposed labeling of plastic containers will help those involved in the sorting and recycle of plastics. Nationally over 100,000,000 pounds of plastics were recycled in 1989. The potential amount of plastic available for recycle in Kansas is of the order of 100,000,000 pounds per year. Prices for recycled plastic pellets range from 19-45 cents per pound (BioCycle, January, 1991, page 40). Thus, about \$20,000,000 worth of plastics could be recycled.

The labeling used in Kansas should be that used elsewhere in the United States. The committee may wish to consider the following ideas:

1. Include within the bill the authority for a state agency such as KDHE to make changes in the labeling in response to national trends; this would allow for Kansas to remain current if there are any future changes in labeling.
2. The penalty for not including the label could be a tax of so much per container rather than a fine.

E+NR
3/26/91
Attachment 12

Senate Bill #79

Testimony Provided To: House Energy and Natural
Resources Committee

Provided by: Kansas Department of Wildlife and Parks

Date: March 26, 1991

Senate Bill #79 would authorize payment of big game permit refunds to those members of the armed forces preparing to deploy or deployed to the Persian Gulf area on or before the start of the big game season. The effect is to allow those specific individuals that could not hunt to apply for and receive a refund on the unused permit.

Impact on the Department would be slight as only 9 individuals have applied for a refund. It is difficult to estimate, but the Department is guessing that 50 people may take advantage of the opportunity.

The Department supports S.B. 79 and will attempt to make the application and refund procedure as simple as possible.

E+NR
3/26/91
Attachment 13

STATE OF KANSAS
THE ADJUTANT GENERAL
P.O. BOX C-300
TOPEKA, KANSAS 66601-0300

PRESENTATION
FOR
HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE
TUESDAY, MARCH 26, 1991

MISTER CHAIRPERSON AND MEMBERS OF THE COMMITTEE:

MY NAME IS CHUCK BREDAHL. I'M THE SPECIAL ASSISTANT TO THE ADJUTANT GENERAL. I AM APPEARING ON BEHALF OF THE ADJUTANT GENERAL, MAJOR GENERAL JAMES F. RUEGER. GENERAL RUEGER IS PRESENTLY OUT OF STATE.

WE SUPPORT THE ENACTMENT OF SENATE BILL 79 WHICH PROVIDES FOR REFUND OF FEES FOR THOSE WHO HAVE PURCHASED BIG GAME PERMITS AND HAVE BEEN ACTIVATED FOR THE PERSIAN GULF CRISIS. MANY MILITARY PEOPLE UPON ACTIVATION SUFFERED A DRASTIC CHANGE IN PAY STATUS. SO ALTHOUGH THE FEES AND PERMIT AMOUNTS ARE SOMEWHAT SMALL, EVERY REFUND OR ASSISTANCE IS VERY WELCOME. WE FEEL IT IS ESPECIALLY APPROPRIATE FOR THOSE WHO WERE UNABLE TO USE THE PERMITS WHICH THEY PAID FOR DUE TO CIRCUMSTANCES BEYOND THEIR CONTROL.

BEYOND THE AMOUNT OF MONEY INVOLVED, THIS BILL IS MOST IMPORTANT FOR THE SUPPORT THAT IT SHOWS THAT THE LEGISLATURE, THE STATE OF KANSAS AND THE CITIZENS ARE PROVIDING TO THE MEMBERS OF THE MILITARY WHO HAVE BEEN ACTIVATED FOR THE CRISIS IN THE PERSIAN GULF. IT'S AN EXTREMELY IMPORTANT MORALE FACTOR TO KNOW THAT YOU ARE BEING SUPPORTED AT HOME.

FOR THESE REASONS WE WOULD ASK THAT YOU WOULD PASS SENATE BILL 79.

*E+NR
3/26/91
Attachment 14*

TESTIMONY ON SB 79

Written

HOUSE ENERGY & NATURAL RESOURCES COMMITTEE

Tuesday, March 26, 1991

Chairman Grotewiel and Members of the Committee:

Good morning. My name is Pamela Sharp and I live on post at Fort Riley. My husband, Glen, applied for a hunting permit with the Kansas Department of Wildlife & Parks, as did a number of soldiers stationed at Fort Riley.

He has returned his deer tag, unused because of his deployment with the 1st Infantry Division to the Persian Gulf. Since he and other soldiers were unable to hunt this season, I request your favorable consideration of Senate Bill 79 which would make available a refund to those persons who were unable to use the permits due to deployment.

Thank you for your consideration.

E+NR

3/26/91

Attachment 15