

Approved 3-20-1991
Date

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources

The meeting was called to order by Senator Ross Doyen at
Chairperson

8:03 a.m./~~p.m.~~ on March 6, 1991 in room 423-S of the Capitol.

All members were present except: Quorum was present.

Committee staff present:

Pat Mah, Legislative Research Department
Raney Gilliland, Legislative Research Department
Don Hayward, Revisor of Statutes
Lila McClaflin, Committee Secretary

Conferees appearing before the committee:

Senator Jack Steinegar
Senator Ed Reilly
Stanley Grant, Secretary, Department of Health and Environment
John Zimmerman, Kansas State
Orville Voth, Kansas Silver Haired Legislature
Mary Ann Bradford, League of Women Voters of Kansas
Curt Loupe, Kansas Recreation and Park Association
Bill Bryson, Director of the Oil and Gas Conservation Division, KCC
Joyce Wolf, Kansas Audubon Council
Donald Schnacke, Kansas Independent Oil and Gas Assn.
Rich McKee, Executive Secretary, Feedlot Division, Kansas Livestock Assn.
Charles Nicolay, Kansas Oil Marketers Association

The Chairmen opened the hearing on SB 185 - concerning the environment; establishing the environmental resources task force, prescribing duties therefor.

Senator Steinegar and Senator Reilly appeared as proponents and co-sponsors of the bill.

Stanley Grant supported the concept of the bill. However, the fiscal note is not a part of the Governor's budget recommendations, and therefore he did not endorse passage of the bill (Attachment 1).

John Zimmerman urged support of SB 185, as it would establish a Task Force that would provide a means of communication among state and local agencies (Attachment 2).

Orville Voth supported the proposal and urged that at least one recognized educator in environmental studies be a mandated member of the resources task force (Attachment 3).

Mary Ann Bradford strongly supported the development and implementation of a Kansas Environmental Plan and the establishment of an environmental resources task force (Attachment 4).

Curt Loupe testified in favor of the bill as their organization supports coordinated efforts to manage natural resources (Attachment 5).

Bill Bryson recommended enlarging the representation of the Task Force and extending the deadline for submitting recommendations to the Governor and the Legislature (Attachment 6).

Written testimony supporting SB 185 was submitted by Professor David E. Pierce of Washburn University (Attachment 7), Duane Nellis, Head of Geography, Kansas State University (Attachment 8), and Joyce Wolf, Kansas Audubon Council (Attachment 9).

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Energy and Natural Resources,
room 423-S, Statehouse, at 8:03 a.m./~~pm~~ on March 6, 1991.

Donald Schnacke opposed SB 185 as it would not serve any purpose that is not already in place and being implemented under our present structural statutes and rules and regulations (Attachment 10).

Rich McKee opposed the bill, as their organization does not think it is necessary and it would cost the taxpayers (Attachment 11).

Charles Nicolay opposed the bill and expressed concern regarding the fiscal note and the fact it might take funding from programs already in place.

The hearing was closed.

Information from Cloud County Commissioners opposing SB 236 was distributed (Attachment 12).

The Chairman announced the Committee would meeting on Thursday, March 7, 1991.

The meeting adjourned at 9:00 a.m.

1991 SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date March 6, 1991

PLEASE PRINT

GUEST LIST

NAME

REPRESENTING

Orville Voth	Silver Haired Legislature
John L. Zimmerman	proponent SB185
Terry Decker	Ks. St. Bd. of Ag.
Stan Grant	K D H E
NAN STEVENS	TEXACO
Mary Ann Bradford	League of Women Voters
R ANDERSONS	OTTAWA
Bill Bryson	KCC Topeka
Tom DAY	KCC
CURT LOUPE	KANSAS RECREATION & PARK ASSN.
George Austin	KSBA/DWR
Terry Leatherman	KCCI
HOWARD TICE	KAWG

STATE OF KANSAS

422-8



DIVISION OF THE BUDGET

JOAN FINNEY, GOVERNOR

Room 152-E
State Capitol Building
Topeka, Kansas 66612-1578

(913) 296-2436
FAX (913) 296-0231

March 7, 1991

The Honorable Ross Doyen, Chairperson
Committee on Energy and Natural Resources
Senate Chamber
Third Floor, Statehouse

Dear Senator Doyen:

SUBJECT: Fiscal Note for SB 185 by Senators Steineger and Reilly

In accordance with KSA 75-3715a, the following fiscal note concerning SB 185 is respectfully submitted to your committee.

SB 185 establishes the Environmental Resources Task Force to serve in an advisory capacity to the Governor and the Legislature. The task force would be composed of 11 members, including one representative of labor interests, one representative of business interests, one member of an environmental group and one member appointed from the public at large. These four members would be appointed by the Governor. Ex officio members of the task force would include one member each of the Senate and the House of Representatives, the Secretary of Health and Environment, the Chairman of the Kansas Corporation Commission, the Director of the Kansas Water Office, the Secretary of the State Board of Agriculture and the Secretary of Wildlife and Parks. Agency directors would be allowed to designate an individual to serve on the task force.

The task force would consult with and be advisory to the Governor and the Legislature, and would review plans for the development, management and use of the environmental resources of the state. It would make a study of the laws of Kansas, other states and the federal government in order to make recommendations concerning the advisability of enacting new or amendatory legislation regarding environmental programs and policies.

The Honorable Ross Doyen
March 7, 1991
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The task force would make recommendations to the Legislature as to its findings. Final recommendations would be made to the 1993 Legislature. The Secretary of Health and Environment would provide support to the task force as needed.

The Department of Health and Environment estimates that passage of the bill would require expenditures of \$59,259, including \$21,670 for salaries and wages and 1.0 FTE for a new secretary position, and \$37,589 for other operating expenditures. This funding would be from the State General Fund. Any additional expenditures required as a result of passage of Senate Bill 185 would be in addition to amounts included in the *FY 1992 Governor's Budget Report*.

Sincerely,



Louis S. Chabira
Deputy Director

cc: Laura Epler, Health and Environment
Clark Duffy, Water Office
Dick Koerth, Wildlife and Parks
Tom Day, KS Corporation Commission
Don Jacka, Board of Agriculture

3371



State of Kansas

Joan Finney, Governor

Department of Health and Environment
Office of the Secretary

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

Landon State Office Bldg., Topeka, KS 66612-1290

(913) 296-1522
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TESTIMONY BEFORE

SENATE ENERGY & NATURAL RESOURCES COMMITTEE

BY

THE KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT

SENATE BILL 185

Thank you Mr. Chairman and members of the committee.

Understanding environmental risk and resources are essential tasks for government at all levels. It is also essential for our citizens to understand the true risks they face in everyday life and what level of concern is warranted about protection of and from our environment. So much of public concern is perception rather than fact. It makes our job more difficult because it is necessary for us to have the facts and that is not easy without a risk assessment system.

In the Kansas Department of Health and Environment we have recognized the importance of strategic planning and evaluation of programs and resources for several years. Last summer we started the formal development of a strategic plan for the Environment of Kansas and one for the Health of Kansas. At the end of the early phases of the project the two plans will be merged. One of the important parts of such a planning process is public and interagency coordination, review, and input. S.B. 185 could provide this input.

With the urging of the states and their own Science Advisory Board, EPA is moving away from the single project "bean counting" management approach to a multi-media strategic planning and risk based system. This is the right direction, in my judgement. Though the concept is new to EPA, the executive staff are moving quickly to reorient technical staff to this method. Such changes take time to institute, but as long as management continues to provide focused leadership, the necessary changes will occur in time.

This evaluation and risk based orientation at the federal level will provide encouragement to the states to move in that direction as well. Again, S.B. 185 can assist us in Kansas, to examine our environmental resources, and concerns, and to make more responsible decisions about what we must do.

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Attachment 1
10/10/91

Charles Konigsberg, Jr., M.D., M.P.H.
Director of Health
(913) 296-1343

Ronald Hammerschmidt, Ph.D.,
Acting 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) 296-1619

It is important that we define environment for long term planning and action in Kansas. Only about 8% of all human health risks are based on physical environmental conditions.

However, if we define environment as the total ecological balance we move toward the quality of life position, and that is where I believe we should

Overall long term environmental risk to humanity is much greater when we use the broad definition of environment.

I believe at least two additional members of the task force should be appointed. The Secretary of Commerce, or designee, and the Commissioner of the Department of Education, or designee. The future environmental concerns of Kansans rest heavily with education and economic development.

I would also point out that experience has shown that task forces and commissions which pursue their work diligently require a great deal of agency staff support. That support is hard to generate when staff have full commitments to programs federally defined, controlled, and funded. Research, evaluation, and commentary by staff will necessarily be limited due to extreme shortages in personnel in many program areas.

I believe in the concept of S.B. 185, but as an agency head in the executive branch, I must point out that there is a modest fiscal note essential to this legislation. That fiscal note is not a part of the Governor's budget recommendations and I cannot therefore endorse passage of this bill for that reason.

Thank you.

Testimony presented by: Stanley C. Grant, Ph.D
Acting Secretary
Kansas Department of Health and Environment
March 5, 1991

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Comments Made in Support of SB 185 before the Senate Energy and Natural Resources Committee on 6 March 1991

by John L. Zimmerman, Professor of Biology, Kansas State University, Manhattan, KS, 66506

I am a college teacher in the Division of Biology at Kansas State University. I obtained a Ph.D. in ecology at the University of Illinois, and have been at Kansas State since 1963. My research emphasis is in avian population ecology, and I concentrate my efforts on the Konza Prairie Research Natural Area owned by The Nature Conservancy. I obtained broader experience in environmental protection and planning while working for Atlantic-Richfield Company at their corporate headquarters in Los Angeles during a leave-of-absence from Kansas State.

The National Environmental Policy Act passed by the United States Congress in 1969 required that federal agencies proposing to implement a project that significantly affected the environment must communicate and cooperate with other federal agencies that might have relevant concerns. In the decades since NEPA, the efficacy of this mandate has demonstrated its value, especially in connection with the enactment of a spate of critically important environmental laws during this period. Many states enacted "little NEPA's" toward accomplishing the same end.

SB 185 is not a "little NEPA." But it does propose to establish an Environmental Task Force that will provide a means of communication among state and local agencies that do significantly affect the environment through their disparate activities, and a mechanism to integrate the effectiveness of their missions through review of plans. Furthermore, this bill does provide the opportunity through the specified advisory and recommendation activities of the Environmental Task Force to identify instances where agencies are operating in parallel or perhaps at cross-purposes.

We only have to look to recent events in the Persian Gulf to recognize the value of careful planning among a coalition of partners in the satisfactory solution of a problem. Many Kansans are alive today because this activity took place. The solutions of the environmental problems with which we are presently faced and which must be attained in the next decade are no less life-threatening (e.g. - ozone depletion, carcinogens in air, soil, and water, etc...). Indeed, the environmental revolution that must be accomplished if we are to maintain a satisfactory quality of life on this planet has been equated in its magnitude and ramifications to the Neolithic agricultural revolution or the industrial revolution of the eighteenth century (Wm. Ruckelshaus. 1989. Sci. Amer. 261(3):166-75). SB 185 initiates the means for the necessary planning and coordination that will be increasingly required in the years to come.

For example, a case in point. The business of Kansas is agriculture. It therefore seemed quite reasonable that the

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recently suggested requirement that state vehicles should use ethanol-augmented fuels be implemented. This would not only reduce dependancy on imported oil, but stimulate Kansas agriculture. But the water upon which all agriculture depends is an increasingly critical resource that we have been unable to sustain commensurate with long-term goals, even with the best of intentions. The production of ethanol from agricultural grains requires additional water, and hence competes directly with production agriculture for a scarce resource. Furthermore, fuel, whether ethanol or gasoline, generates carbon dioxide as well as nitrous oxides in its combustion. These two gases, among others, are increasing at exponential rates within the atmosphere and function to retard heat loss to space, causing global warming. With ongoing global warming, irrigation demand in western Kansas is expected to increase by 20% in the early part of the next century. Yet at the same time the availability of water is even now decreasing at non-renewable rates. For every degree centigrade increase in mean annual temperature, vegetation belts (i.e. crop belts) move north approximately 100km. Demanding the use of ethanol with the good intentions of enhancing the agricultural economy of the state actually will hasten the destruction of Kansas agriculture, at least as now practiced. A similar argument could be made for a negative effect of the highway program on the economy of Kansas through its impact on the concentration of the greenhouse gases in the atmosphere. The need for an Environmental Task Force to alert the government of Kansas of the induced impacts of its well-intentioned actions and to suggest alternate strategies (e.g. - energy conservation) is critical.

I therefore urge you to support SB 185.

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Attachment 2

Testimony before the Senate Energy & Natural Resources Committee.
March 6, 1991

RE: SB 185

I am Orville Voth, Speaker of the Kansas Silver Haired Legislature.
I speak as a proponent of SB 185.

Although the Silver Haired Legislature did not consider a bill or resolution directly comparable to SB 185, our legislature has passed measures which establish procedures for improving the handling of solid wastes and requiring the use of recyclable beverage containers. In addition we have supported most of the 8 House and 3 Senate bills introduced last year, in principle if not with actual testimony. These measures dealt with environmental concerns from tires to establishing a state coordinator for solid waste management. All of these bills died somewhere along the line. At least two House bills and a Senate bill dealing with solid & hazardous waste and recycling have been introduced in the current legislative session.

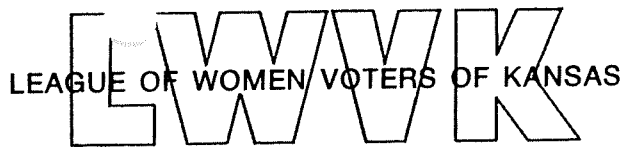
In contrast to these several bills which focus, more or less sharply, on specific problems SH 185 takes a more global approach including conservation, management and use of natural resources. Although there is a limit to the usefulness of studies, general recommendations and advisory task forces I see hope that SB 185 will provide the authoritative leadership that will result in appropriate legislation in environmental concerns.

I support SB 185 but, in my opinion, there should be included in the expected outcomes not only legislation but education of the citizens of Kansas. Public awareness and knowledge of environmental issues can lead to a demand for responsible use and management of resources at the grass-roots level. Toward this end, I would urge that at least one recognized educator in environmental studies be a mandated member of the resources task force.

Again, I support SB 185 as a step toward utilizing and managing the environment resources of Kansas more knowledgeably and responsibly.

Thank you.

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TESTIMONY BEFORE THE SENATE ENERGY AND NATURAL RESOURCES
COMMITTEE ON SB 185, ESTABLISHING AN ENVIRONMENTAL
TASK FORCE, ON MARCH 6, 1991

Mr. Chairman and Members of the Committee:

I am Mary Ann Bradford representing the League of Women Voters of Kansas a nonpartisan organization that encourages the informed and active participation of citizens in government and influences public policy through education and advocacy.

During the past 20 years, environmental legislation has been introduced on an annual basis through new statutes, rules and regulations and amendments to them. Although one natural resources agency may coordinate internally its programs, it has only been in recent years that all natural resources agencies have been cooperating fully in implementing program activities. In most instances this has been achieved through the development of the Kansas Water Plan and the functions of the Kansas Water Authority.

The League strongly supports the development and implementation of a Kansas Environmental Plan and views the establishment of an environmental resources task force as a first step in achieving this end. Therefore, we support SB 185.

We have some reservations as to the task force's ability to review environmental resource plans of local and state agencies and to study federal and other states' laws as well as Kansas laws within the time frame allotted in the bill. This is a considerable amount of information to digest

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and it appears a bit overambitious to expect to cover all the designated natural resources issues. The League would encourage the continuation of these efforts through further work of the task force or through the establishment of a natural resources planning authority.

Hopefully the recommendations of the task force will culminate in a comprehensive environmental or natural resources plan for Kansas, including 1-, 5- and 10-year integrated and prioritized goals and objectives, that will provide for maximum utilization of limited state and federal funds.

Thank you for your consideration of our views.

LEAGUE OF WOMEN VOTERS OF KANSAS
919½ So. Kansas Avenue
Topeka, KS 66612
913/234-5152

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Curt Loupe, Superintendent of Parks for the City of Topeka, here today representing the Parks and Natural Resources Branch of the Kansas Recreation and Park Association (KRPA).

My purpose in appearing before you today is to testify in favor of Senate Bill 185 as proposed by Senators Steineger and Reilly, because our organization has long supported coordinated efforts to manage natural resources. The combination of interests from labor, business, public environmental groups, and a member of the public at large should adequately represent the private sector and its views regarding the efficacy of governmental policy involving the management, development, and conservation of natural resources.

Similarly, the expertise offered by the proposed members of the State management community should offer widespread access to the information that will be required to complete the task as charged prior to the commencement of the 1993 regular session of the Legislature.

At this point, I would also like to offer the assistance of the Kansas Recreation and Park Association in whatever means we would be able to assist the task force. The members of the Parks and Natural Resources branch include representatives of local park and recreation agencies, members of the State's university system, staff of the Wildlife and Parks agency, and corporate representatives of resource development companies.

Thank you for the opportunity to represent KRPA before you today.

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TESTIMONY ON SENATE BILL 185

BY THE KANSAS CORPORATION COMMISSION

PRESENTED BEFORE THE SENATE ENERGY AND
NATURAL RESOURCE COMMITTEE

March 6, 1991

Senator Steineger had requested that Keith Henley, past Chairman of the Kansas Corporation Commission, appear on Senate Bill 185. Subsequently, the current KCC Chairman, Jim Robinson, asked me to present the Commission's position on the proposed legislation. I am Bill Bryson, Director of the Oil and Gas Conservation Division for the Commission and am appearing on behalf of Chairman Robinson and the Commission.

The Corporation Commission supports the concept of Senate Bill 185 because all environmental resources are finite and the balance between preservation of some resources and the depletion of others often becomes a tug of war between our ability to survive as a healthy world population and our ability to manufacture products and utilize natural resources with proper incentives to maintain a healthy standard of living. Too often, we become so busy trying to survive by making a living that we forget correct management and, where possible, restoration of environmental resources are necessary to perpetuate survival. Conversely, there are those who believe the preservation of our environmental resources is solely linked to survival of "all creatures great and small" and overrides the ability to achieve a stabilized economy and make a living. The legislative, state and local units of government, industry and the public have been embroiled in policy discussions of environmental resource issues during the last twenty years which have successfully addressed specific environmental issues but not the "tug of war." If we have interpreted Senate Bill 185 correctly, there is an intention to use an environmental resource task force to address the broader issues and provide the Governor and the Legislature with some sense of direction for policy development. The Commission believes this objective of Senate Bill 185 is maybe an appropriate forum to formally discussing what our state environmental resource protection and conservation agencies have been trying to do for the last twenty years.

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During a review of the composition of the proposed eleven member task force, I could not help but draw some comparisons between this proposal and the much larger membership of the Water Resource Task Force established by Governor Bennett in 1976. At that time, as a staff support member for KDHE, I thought the twenty plus members was too large to develop consensus on anything, much less such a diverse and emotional subject as water. A consensus was developed in the form of thirty-six recommendations. After observing the Kansas Water Authority and the development of the State Water Plan, I have decided the convening of diverse interests is absolutely necessary to bring all view points to the table. Senate Bill 185 provides for appointments to be made to represent labor, business and environmental concerns. In order to make an environmental task force effective, should the Legislature elect to pass SB 185, we believe representation of small and large business, agriculture, the petroleum production and marketing sectors and large and small population local government units are essential representation to proper scoping of the issues. We also recommend adding the State Conservation Commission as an agency representative since they have an integral role in the non-point source pollution program and believe the addition of the Kansas Geological Survey would be of great benefit to task force discussions.

The second major concern is the amount of time given the task force to complete study of laws of Kansas, other states, and the federal government relating to the list of activities described under Section 1(c)(3) of the bill. If the Kansas Legislature believes the development of an environmental resource task force an important issue for the State of Kansas, we would recommend extending the deadline for submitting recommendations to the Governor and Legislature to the commencement of the 1995 regular session. There are several reasons for making this recommendation:

- (1) State and Federal laws on such activities as hazardous waste, solid waste and recycling and air quality are a complicated mixture of technical and administrative laws. At the Federal level, the Air Quality Reauthorization just occurred in 1990 and the impact on state air quality programs will not be felt until 1993 or later. The Federal RCRA reauthorization bills are undergoing hearings during

1991 and the eventual regulations for hazardous waste, solid waste and recycling will not be available during the tenure of the task force proposed by SB 185.

- (2) Such issues as wetland and riparian zone protection are just now in the beginning stages of guidance development with limited national implementation both within the U.S. Environmental Protection Agency and at the matching state level.
- (3) Purely environmental protection laws with the equally complex and volatile issues of energy and economic development, and use of recreational areas and land use could be overwhelming and cannot be sorted out in a short time frame.

In our opinion, the desired scope of study and review cannot be adequately done in the projected time frame. The concept of SB 185 is good and an effort worth pursuing. Our concern is that the current frenzied state of environmental resource law development, the nation's quandry over instituting a consensus base energy policy and the complex relationship between economic development and environmental protection may make the task force proposed by SB 185 more meaningful in 1994-1995 than now when a lot of issues have not reached stages of concerted discussion.

The concerns expressed during this testimony also reflect one additional situation. As was discovered during the 1976 Water Resource task force, the collection of data and information is quite staff intensive for the state agencies involved in the process. One unfortunate outcome would be for agencies to commit sizeable time and staff resources to the task force only to find the eventual recommendations were passed by the time the Governor and Legislature received the report.



WASHBURN UNIVERSITY OF TOPEKA

School of Law
Topeka, Kansas 66621
Phone 913-295-6660 1 March 1991

Senator Ross Doyen
Chair
Senate Energy and Natural Resources Committee
State Capitol Building
Topeka, Kansas 66612

Re: Senate Bill No. 185
Creating the Kansas Environmental Resources Task Force

Dear Senator Doyen:

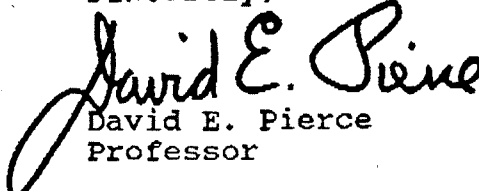
I am a professor at Washburn University School of Law where I teach courses in Oil and Gas Law, Energy Law, and Environmental Law. I also work on a regular basis with the various Kansas and federal laws regulating Kansas' environmental resources.

I am writing to support Senate Bill No. 185 which creates the Kansas Environmental Resources Task Force. SB 185 operates under the sound concept of having a single entity take a comprehensive look at the environmental resource needs of Kansas. The task force setting should promote a free exchange of ideas and allow task force members to focus on the best long-term interests of the people of Kansas.

In conjunction with evaluating the preservation, use, and management of Kansas' environmental resources, this Bill authorizes a comprehensive study of the state and federal legal systems that can serve to promote, or obstruct, resource goals. Such a study should assist the task force, and ultimately the governor and legislature, in determining how best to structure, or restructure, Kansas law to achieve desired resource goals.

SB 185 is a practical first step toward obtaining the information necessary to make resource decisions that will not prove detrimental to Kansas and Kansans in the long-term.

Sincerely;


David E. Pierce
Professor

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TO: Senator Jack Steineger

FROM: Duane Nellis, Head of Geography
Kansas State University

RE: Written testimony in support of Kansas Senate
Bill No. 185

I am Duane Nellis, Professor and Head of the Department of Geography at Kansas State University. I am also a member of the Kansas Geographic Information System (GIS) Policy Board and the Immediate past President of the Kansas Academy of Science. I've been a member of the Governor appointed Kansas Geographic Information System Policy Board since its beginning in August 1989.

One dimension of my role as Professor and Head of the Department of Geography at Kansas State University involves the education of students in environmental geography, and the applications of satellite technology and geographic information systems to monitoring environmental systems in Kansas.

I am very supportive of the creation of the Kansas Environmental Resources Task Force. I feel the Task Force will provide a coordinating body to establish goals and develop the first Statewide Environmental Resources Plan.

One of the initial thrusts of the Kansas Geographic Information System Initiative, coordinated by the GIS Policy Board, is to provide coordination for the development of geographic data bases with state-wide standards that will be of use to numerous State Agencies. Thus, the GIS Policy Board facilitates development of these data bases without duplication by the various State Agencies. The data bases currently being developed through support of the GIS Policy Board include a soil resource data base and a land cover data base that will have long-term utility for understanding some of the basic environmental resource issues in the State of Kansas.

Beyond this GIS Initiative, however, is the need to establish goals and plans at a State level to create a long-term sustainable environmental system in Kansas. In the near term, Kansas citizens must address potentially serious resource issues associated with land use, hazardous

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Senator Jack Steineger
March 5, 1991
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and solid waste disposal, agriculture, air quality, wetland and riparian zone elimination, recycling, and a variety of other related issues. The Task Force will provide Kansas with a focus to capitalize on new initiatives recommended by the National Advisory Council for Environmental Policy and Technology. By focusing on key environmental issues, Kansas will better be able to set priorities for addressing environmental concerns and capitalize on regional Environmental Protection Agency Programs.

I feel the task force will serve as a complimentary group relative to the State Water Plan, the Strategic Management Plan of the Kansas GIS Policy Board, and for various educational efforts related to the environment in Kansas. One of these educational efforts that offers significant promise to tie in with a Environmental Resources Task Force, is the Kansas Geography Alliance.

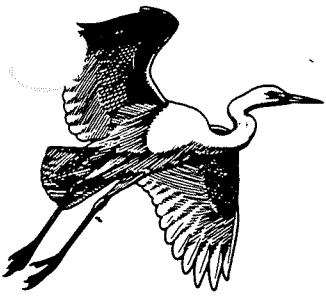
The Kansas Geography Alliance is co-directed by me and Paul Phillips, Ft. Hays State University. This year we have a \$10,000 grant from the National Geographic Society to develop a plan for full development of a Kansas Geography Alliance. If full funding is forthcoming this Fall, the National Geographic Society will provide Kansas State University and Ft. Hays State University with a \$50,000 grant that requires a match from the State of Kansas. The Alliance provides teacher training institutes, workshops, and student lesson plans, in an attempt to enhance geographic literacy in the State of Kansas K-12 educational system. One of the key themes in the Kansas Geography Alliance is the environment. Although we as geographers can provide teachers with information on environmental issues facing Kansans, teachers must be able to address the key environmental priorities facing future generations of Kansans. The Kansas Environmental Task Force would help provide a focus relative to current State environmental issues, and provide recommendations that can provide Kansans, through educators, with an environmental stewardship that will preserve the wealth of resources the State has to offer.

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Senator Jack Steineger
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In conclusion, I feel the Kansas Environmental Task Force should be supported to compliment various other related initiatives, and to provide an opportunity for Kansas to head the list for EPA regional assistance.

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Kansas Audubon Council

March 6, 1991

Senate Committee on Energy and Natural Resources

I appreciate this opportunity to speak on behalf of the 5000 Kansas members of the National Audubon Society who support the wise use and protection of our natural resources.

The Kansas Audubon Council supports SB 185 because we believe that far too often environmental policy decisions are dictated by the crisis of the moment rather than by thoroughly researched and carefully formulated plans. Secondly, although some progress has been made, especially in planning and funding of water resources projects, we believe many areas of concern could benefit considerably from a comprehensive and coordinated review of state and federal laws, followed by recommendations from the reviewing group.

We believe that the facts, cited below and related to the subjects to be reviewed by the task force, illustrate the magnitude of the environmental challenges which still are awaiting thoughtful and innovative solutions:

1) Every year, Americans discard enough unrecycled writing paper to build a wall 12 feet high stretching from New York to Los Angeles. (Source: Environmental Defense Fund)

2) The United States consumes two times as much energy per capita as Japan. (Source: Curtis Moore, Energy Consultant, Audubon "Activist")

3) Up to 400,000 acres of wetlands are lost to development and agriculture in the United States every year. (Source: Audubon "Activist")

4) Each year more birds are killed in uncovered oil pits than have been lost to all the major ocean spills combined. (Source: US Fish and Wildlife Service employee, in a talk to an Oil and Gas Conference in New Orleans, LA)

5) Americans throw away an estimated 60 billion containers of beer and soft drinks every year. Recycled aluminum saves 95% of the energy needed to produce new cans. (Source: KU senior students, Environment Studies research project)

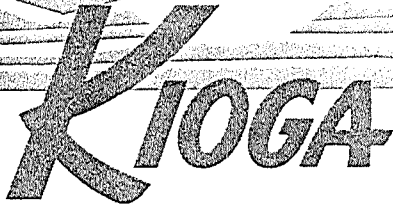
6) Thirteen of 14 geohydrologic regions of Kansas occasionally exceeded drinking water standards for nitrates. Of the wells sampled in a farmstead-well study, 28% had nitrate concentrations which exceeded the 10 mg/Liter drinking water standard. (Source: USGS report 88-4104)

*E & N R
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pg 1 of 2*

While most of these statistics apply to the US as a whole, similar problems exist in Kansas. Selecting just one area of concern, solid waste management, and examining the plethora of bills related to that topic which have been introduced during this session is a clue to the need for a comprehensive approach to these problems.

In the House there are bills which address: the regulation of out-of-state wastes; mandatory recycling goals; the siting of landfills; and disposal of yard wastes. This committee has already passed a plastics coding bill to facilitate recycling, and SB 290 speaks to a variety of waste concerns: recycling goals, yard wastes, consumer education, waste reduction, market development, recycling used oil, and final disposal of used batteries and tires. Both houses have introduced bills which establish deposits on beverage containers and which provide funding for solid waste management through the return of unreclaimed deposits to the state treasury. Bills which further refine the regulations for used tires have also been introduced in both houses. This is just one example of a topic the task force may choose to examine.

Just as a chain is only as strong as its weakest link, so too is the well being of the state dependent on the strength of the laws which protect our natural resources. We cannot afford to be careless in how they are used. The Council believes that SB 185 moves us in the direction of comprehensive environmental planning and we urge committee members to vote favorably on it.



KANSAS INDEPENDENT OIL & GAS ASSOCIATION

105 SOUTH BROADWAY • SUITE 500 • WICHITA, KANSAS 67202
(316) 263-7297 • FAX (316) 263-3021
1400 MERCHANTS NATIONAL BANK BLDG. • TOPEKA, KANSAS 66612
(913) 232-7772 • FAX (913) 232-0917

March 6, 1991

TO: Senate Committee on Energy & Natural Resources

RE: SB 185 - Environmental Task Force

The Kansas oil and gas industry is environmentally oriented. We must be in compliance with many federal and state mandated environmental regulatory programs. Our thinking, as an industry, is as environmentalists. If not, there are many penalties facing the oil and gas operator who acts otherwise.

But SB 185 would create yet another level of government relating to the environmental posture in Kansas. It would recommend more legislation directed at the environment in our state.

When you examine Chapter 55 (KCC) and Chapter 65 (KDH&E) and other statutes there is ample authority for the study and implementation of laws and rules and regulations pertaining to the environment. They are doing it.

SB 185 involves four basic agencies as part of the task force, but who represents cities and counties who are well-known to be polluters of our environment? Who will represent the point of view of transmission pipelines; the mined land activity; and even the State of Kansas who is one of the chief polluters of our environment through its winter de-icing program?

How can one person representing "business" assigned to the task force under SB 185 reflect the broad spectrum of environmental involvement of business and industry in Kansas involving clean air, clean soil, and clean water through the application of chemicals, waste water treatment, radioactive disposal, oil and gas production activities, petroleum storage in underground tanks, hazardous waste storage, product pipelines, mined land activity, to mention just a few.

The legislature established a KCC oil and gas advisory committee to address environmental activities. SB 185 would seem to duplicate this authority. The same could be said for the underground storage tank task force created last year. The authority given the Kansas Water Authority would seem to be in conflict with SB 185.

We think SB 185 would not serve any new purpose that is not already in place and being implemented under our present structural statutes and rules and regulations.

Donald P. Schnacke

*E+NR
3-6-91
Pg 1 of 1
attachment 10*



6031 S.W. 37th Street • Topeka, Kansas 66614-5128 • Telephone: (913) 273-5115
FAX: (913) 273-3399

Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

March 6, 1991

STATEMENT OF THE
KANSAS LIVESTOCK ASSOCIATION
TO THE COMMITTEE OF
ENERGY AND NATURAL RESOURCES
SENATOR ROSS DOYEN, CHAIRMAN
SENATOR DON SALLEE, VICE-CHAIRMAN
WITH RESPECT TO SENATE BILL 185

Presented by

Rich McKee

Executive Secretary, Feedlot Division

Mr. Chairman and members of the committee, I am Rich McKee, representing the Kansas Livestock Association. KLA speaks for a broad range of over 10,500 livestock producers. Their business's can be found in virtually every geographic corner of the state.

The Kansas Livestock Association opposes SB 185. This type of legislation is not necessary. Any legislator, organization or individual currently has the opportunity to have legislation introduced and thoroughly discussed. In fact, this committee in particular has bent over backwards to allow anyone the right to have proposed changes in the statutes introduced in bill form.

In addition, I would like to remind the committee this bill will cost Kansas taxpayers something. Lines one thru four of page two allows for the members of this new committee to be paid the normal per diem expenses for attending meetings. However, in our estimation the much larger cost to taxpayers will be the staff support required in lines 32 thru 34 of page two.

Finally, it has been our experience once a new committee or agency is formed seldom, if ever, are they abolished. Thank you.

E & NR
3-6-91
attachment 11
Pg 1

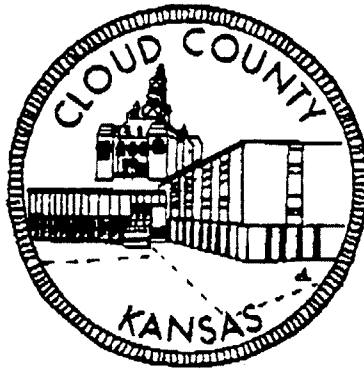
CLOUD COUNTY COMMISSIONERS

Mark C. Morgan,
District

Jack Paulsen,
2nd District

Roger C. Nelson,
3rd District

Betty L. Musick,
County Clerk



Courthouse
811 Washington
Concordia, KS 66901
913-243-4355

Clerk's phone
913-243-4319

March 4, 1991

Senator Ross Doyen
State Capitol, Room 422-8
Topeka, KS 66612.

Dear Senator Doyen:

The Cloud County Commission opposes the regulation by the State Division of Water Resources requiring plans executed by professional engineers to accompany the request for permits on structures draining 160 acres or more. The 160 acre requirement will apply to nearly every culvert that the County constructs, which at 10-12 culverts per year and an estimated cost of \$500 to \$1500 per plan will cost the County an additional \$5,000 to \$18,000 per year. In addition to unproductive expenditures that counties can ill afford in these straitened times, this regulation requires much additional paperwork and processing time.

Apparently not content with the above bit of bureaucracy, the Committee on Energy and Natural Resources has introduced SB236 which will require counties to pay a processing fee of \$100 to \$500 for structures other than dams, \$100 to \$800 plus for dams plus an inspection fee upon completion. This would apply to every structure built by the County, provides no benefit to the taxpayer, but increases his tax burden and decreases the County's ability to provide safe and reliable drainage structures.

We are also concerned that such restrictive requirements may prevent farmers from constructing small ponds for livestock purposes and terraces for crop support.

S. C. + N. R.
7/6/91
Attachment 12

We could be more supportive of these measures if they applied to only those structures which drain 1280 acres or more or have more than a 20 foot span. We request your assistance in amending the Division of Water Resources regulation on the requirement of professional engineering plans. We request that you oppose Senate Bill 236.

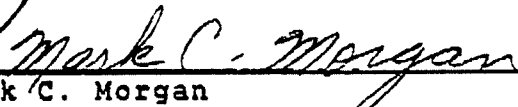
Thank you for your consideration and efforts in these areas.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
CLOUD COUNTY, KANSAS



Jack Paulsen



Mark C. Morgan



Roger C. Nelson

Ross,

The enclosed plan preparation proposal from Campbell & Johnson is the type of thing that is currently required by the Board of Water Resources under current regulations. Although this one is for a bridge, with the 160-acre drainage requirement, even box culverts are included.

Our farmers aren't going to be a bit happy if a culvert or a small bridge goes out during harvest and they have to wait for 6 months for the paperwork to be completed before we can fix it. Not to mention the fact that with costs like these, coupled with the tax lid that is being proposed, there will probably be a lot that just won't be repaired.



CAMPBELL & JOHNSON, PA
ENGINEERS • ARCHITECTS • LAND SURVEYORS

113 WEST SEVENTH STREET CONCORDIA, KANSAS 66901 913-243-1755

March 1, 1991

Mr. Doyle Turner
Cloud County Highway Admn.
Cloud County Highway Dept.
Concordia, Kansas 66901

RE: Plan preparation for Bridge Site
East Side of Sec. 17-8-2 (Larson Bridge)

Dear Doyle:

As per your request, please find enclosed our proposal to prepare the plan information requested by Mr. Bristow for the evaluation and approval of the above referenced bridge replacement project and the required Division of Water Resources permit.

We propose to prepare a plan-profile sheet, cross sectional sheets of the present channel and the proposed new channel, as well as, a simple drainage study to determine square footage of waterway opening required.

We will work closely with you in determining the replacement bridge specifics and size, in hopes of keeping the bridge member requirements in keeping with your proposed ideas.

Campbell & Johnson, believes that we can provide this service to you and your county in a professional and economical manner. We hope that the proposed work will meet the requirements of Mr. Bristow and you will be able to go ahead and obtain your permit for construction.

Upon acceptance of this proposal we will need to discuss with you the time frame of our work. Due to our busy schedule for the spring we will need some flexibility to fit this work into our schedule.

Thank you for this opportunity to be of service to you, please contact me if you have any questions.

Sincerely,

Kenneth P. Johnson, L.S.
CAMPBELL & JOHNSON, PA

encl.

12-3

PROPOSAL FOR PLAN PREPARATION
(LARSON BRIDGE)

- 1.] FIELD INFORMATION
 - a.) Roadway profile & cross sections
 - b.) Channel profile & cross sections
 - c.) Drainage study information
 - d.) Permanent Bench Mark tied to Vertical Datum
 - e.) Replacement bridge specifics

- 2.] OFFICE PLAN PREPARATION
 - a.) Prepare General Location Sheet
 - b.) Prepare Plan-Profile sheet
 - c.) Prepare cross sections of channel
 - 1.) existing and new
 - d.) Prepare simple drainage study

- 3.] SUBMITTAL
 - a.) Deliver to Cloud County
 - 1.) 3 copies of all plan sheets w/ Engineer's Seal on all copies.
 - 2.) 2 copies of drainage study calculations.
 - 3.) Recommendations of any changes to county's proposed replacement bridge size.

- 4.] COST
 - a.) Campbell & Johnson proposes to complete all the above work for the total cost of \$ 1,950.00