

Approved: Carl Dean Holmes 2-8-95
Date

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes on January 19, 1995 in Room 526-S of the Capitol.

All members were present except: Representative Phill Kline - Excused

Committee staff present: Raney Gilliland, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Mary Torrence, Revisor of Statutes
Shirley Wilds, Committee Secretary

Conferees appearing before the committee: Michael H. Clagett, Deffenbaugh Industries, Inc
Bill Bider, KS Department of Health & Environment

Others attending: See attached list

Chairperson Holmes referred the Committee to an article in the January 19, 1995 Topeka Capital-Journal entitled *Felker: State as guilty as feds*. The article quotes the City of Topeka Mayor regarding unfunded mandates of Kansas cities and counties. Representative Holmes said in the near future the Committee will introduce legislation addressing clean water and safe drinking water issues. He invited Mayor "Butch" Felker as a conferee and express his position.

Chairperson Holmes inquired of Committee bill requests. Representative Aurand moved to introduce a bill request to explore land fills that fall under the low rainfall conditions. Representative Lawrence seconded. Motion carried.

Representative McClure moved to introduce a bill bringing the low-level waste advisory committee under statutory jurisdiction. Representative Alldritt seconded. Motion carried.

Representative McClure moved to introduce a bill to determine arrangement of expenses for Compact fees. Representative Alldritt seconded. Motion carried.

Representative McKinney moved to introduce a bill to require counties to approve feedlot permits prior to issuance by KDHE. Representative Myers seconded. Motion carried.

Chairperson Holmes reminded the Committee of a meeting upon adjournment of the House tomorrow, reporting there will be no debate or hearings. Scheduled is a briefing by the Division of Water Resources. He then reviewed the agenda for next week's Committee meetings.

Prior to opening the hearing for **HB 2034**, Chairperson Holmes referred Committee members to brief written testimony regarding this bill by Claud S. Shelor. (See Attachment #1.)

Hearing on:
HB 2034

Michael H. Clagett. Mr. Clagett said that over the last five years his company has made a substantial commitment, in terms of both resources and energies, to recycling. He said it is his company's opinion that the State of Kansas has been well served through the efforts of the current recycling coordinator, Claud Shelor. He added that they believe that such a position should remain under the Department of Commerce and Housing; with the separation of this position from KDHE he contends the recycling coordinator can more appropriately focus its energies on a free-market approach and more effectively encourage recycling in the long term. (See Attachment #2.)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m.. on January 19, 1995.

Bill Bider. Mr. Bider reported that KDHE supports the extension of the statewide coordinator of waste reduction, recycling, and market development for an additional four years as provided in **House Bill 2034**. He added that an extension has also been recommended by the state Solid Waste Advisory Group. (See Attachment #3.)

Mr. Bider offered several important areas where the state coordinator can provide assistance:

- * Providing general information to interested parties
- * Working with businesses to improve markets for recyclables
- * Establishing public forums for discussing recycling and waste reduction, such as the annual Governor's Conference on Waste Reduction and Recycling.

Mr. Bider said that although there is an environmental side to waste reduction and recycling which should be addressed by KDHE, there is a business side which can and should be addressed by an economic development agency.

In conclusion, Mr. Bider said state governments should take advantage of the opportunity to help local planning committees and government officials establish programs which produce benefits for many years to come.

Chiqita Cornelius of BIRP spoke from the floor in response to questions posed by Committee members.

Action on:
HB 2032

Staff explained a proposed amendment to **HB 2032**. (See Attachment #4.)

Chairperson Holmes read the fiscal note to the Committee concerning this bill. In essence, he reported that **HB 2032** would have little fiscal impact .

Representative Lawrence moved to adopt balloon to **HB 2032**. Representative Lloyd seconded. Motion carried.

Representative Freeborn moved to recommend **HB 2032** favorable for passage as amended. Representative Sloan seconded. Motion carried.

There being no further business to come before the Committee, meeting adjourned at 4:35 p.m.

The next meeting is scheduled for January 20, 1995.

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE GUEST LIST

DATE: January 19, 1995

NAME	REPRESENTING
Bill Bider	KDHE
JOHN BOTTENBERG	DEFFENBAUGH IND
Mike Clagett	Deffenbaugh Industries
Jim Ludwig	Western Resources
Mark Buccellina	KDOCH
Don Siefert	City of Olathe
MIKE McCURDY	" "
RAY BARNBY	" "
Bob Tolly	" "
STEVE KEARNEY	WINX TECHNOLOGIES
Whitney Dawson	Pete McMillan Associates
Marie Duggan	Williams Field Services
Warren Curtis	Williams Field Services
Joe STASKAL	"
Kath Pearson	Dodge Energy
Bill Henry	KS Engineering Society
Patrick J. Kelley	Wagj's

HOUSE BILL NO. 2034

HOUSE COMMITTEE ON ENERGY & NATURAL RESOURCES

This bill reads the same as KSA 75-5087 that established the coordinator position in 1990.

No actual provision has ever existed for clerical or support staff in the Department of Commerce & Housing.

Revision of this Bill to include a permanent part-time position for a person to assist in the workload would be beneficial to Kansas.

Claud S. Shelor

1/19/95
Energy & Natural Resources
Attachment #1

Presentation to:

**Committee on Energy and Natural Resources
Kansas House of Representatives**

By:

**Deffenbaugh Industries, Inc.
Shawnee, Kansas
Michael H. Clagett, Recycling Coordinator
January 19, 1995**

Re: House Bill No. 2034

1/19/95
Energy & Natural Resources
Attachment #2

It is the position of Deffenbaugh Industries, Inc. that recycling, as a component of an effective solid waste management system, is vital. Deffenbaugh has been involved in recycling since November of 1989. Over the last 5 years the company has made a substantial commitment, in terms of both resources and energies, to recycling. This was at a time when volumes collected in recycling efforts were less significant and markets for materials were not sufficient to pay for the costs of such programs. Both from a collection and processing point of view, recycling programs are capital intensive and labor intensive. Since the beginning of our providing of recycling services in the Kansas City Metro area, Deffenbaugh has invested several millions of dollars in order to become the area leader in these efforts. Deffenbaugh made this commitment, however, because we held to the belief that as recycling became more prevalent the infrastructure would be established to provide more support for recycling programs. This has, in fact, proven to be the case. Recycling, in relative terms, is still very much in its infancy and continues to require a certain amount of nurturing.

It is important, if recycling is going to continue to be viewed as an important waste management tool, for the State of Kansas to help to promote these efforts through the efforts of a state recycling coordinator. It is the opinion of Deffenbaugh Industries that the State of Kansas has been well served through the efforts of the current recycling coordinator, Mr. Claud Shelor. It is through his efforts that such programs as the Governor's Conference and the Sunflower Chapter of the Solid Waste Associations of North America (SWANA) were implemented. If the State of Kansas is going to be effective in the promotion of recycling activities within its boundaries and if the State of Kansas truly views recycling as important, this should, in our view, be demonstrated by having the position of a state-wide recycling coordinator as would be established by HB2034.

Deffenbaugh Industries, Inc. also believes that such a position should remain under the Department of Commerce and Housing rather than fall under the oversight of Kansas Department of Health and Environment. With the separation of this position from KDHE the office of recycling coordinator it can more appropriately focus its energies on a free-market approach and more effectively encourage recycling in the long term.

State of Kansas



Department of Health and Environment

Testimony presented to

House Energy and Natural Resources Committee

by

The Kansas Department of Health and Environment

House Bill 2034

The Kansas Department of Health and Environment (KDHE) supports the extension of the statewide coordinator of waste reduction, recycling, and market development for an additional four years as provided in House Bill 2034. KDHE would also like to report that an extension of this position has also been recommended by the state Solid Waste Advisory Group which has provided valuable input to the department on a variety of issues over the past two years. One of the subjects reviewed with our advisors over the past six months involved future uses of the solid waste management fund. There appears to be good consensus among the group to enhance state support for waste reduction and recycling programs, including maintaining activities in the Department of Commerce and Housing. The work of the coordinator in Commerce compliments the work of KDHE to achieve improved statewide waste management practices. Further recommendations of the group will be presented as testimony related to House Bill 2036 which specifically addresses the future use of the solid waste fund.

KDHE believes that there is an important role for the Department of Commerce to address statewide issues related to waste reduction, recycling, and market development for recyclable materials. The changes in solid waste management which have been brought about by the new Subtitle D landfill regulations have made it even more important to focus our efforts on waste reduction and recycling. As our counties are developing and implementing solid waste plans which seek to minimize their costs of waste disposal, they are looking for ways to reduce their waste by implementing recycling, composting, and other source reduction methods. The statewide coordinator working in cooperation with KDHE can assist counties and cities accomplish this goal.

There are several important areas where the state coordinator can provide assistance including (1) providing general information to interested parties, (2) working with businesses to improve markets for recyclables, and (3) establishing public forums for discussing recycling and waste reduction, such as the annual Governor's Conference on Waste Reduction and Recycling. Commerce can encourage businesses to work together to improve their purchasing power when buying goods made from recycled materials. They can encourage businesses to utilize recycled materials opposed to virgin raw materials, and perhaps they can identify new business opportunities to process and use postconsumer wastes.

Although there is an environmental side to waste reduction and recycling which should be addressed by KDHE, there is a business side which can and should be addressed by an economic development agency. The federal government has recognized this need to involve state economic agencies in recycling issues and now requires cooperative agreements between environmental and economic agencies in order for states to be eligible for certain relevant federal grants. Areas where KDHE and Commerce and Housing could work together in the future on federally funded programs include a "Kansas Buy Recycled Exhibit," a packaging waste reduction project, and a jobs through recycling program.

KDHE and the Department of Commerce and Housing are currently moving forward to develop an interagency agreement as specified in the solid waste statutes to facilitate working together to meet the needs of the state. In addition to the federally supported programs, we anticipate working cooperatively on a statewide public education and awareness program and on miscellaneous conferences and seminars. We also anticipate that the secretary of the Department of Commerce will have the opportunity to appoint a representative to serve on a

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Attachment # 3

Testimony on House Bill 2034
January 19, 1995

proposed solid waste plan implementation grants committee beginning in fiscal year 1996. Most appropriately, this would be the state coordinator because that grant program will be limited to county or city projects which involve waste reduction, recycling, or public education.

Over the next several years, local solid waste management officials and grassroots citizens organizations will require a great deal of technical assistance as they develop and implement waste reduction and recycling programs. State government should take advantage of this opportunity to help our local planning committees and government officials establish programs which produce benefits for many years to come. Now is when our communities need the help of the state coordinator and KDHE to cooperatively work to improve markets for recyclables, increase public awareness, provide technical information to interested parties, and provide financial assistance when possible through new grant programs.

Thank you for this opportunity to testify in support of House Bill 2034.

Testimony presented by: Bill Bider
Director, Bureau of Waste Management
Division of Environment
Department of Health and Environment
January 19, 1995

HOUSE BILL No. 2032

By Committee on Energy and Natural Resources

1-10

9 AN ACT concerning the central interstate low-level radioactive waste
10 commission; amending K.S.A. 65-34a02 and repealing the existing
11 section.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 65-34a02 is hereby amended to read as follows: 65-
15 34a02. The member of the central interstate low-level radioactive waste
16 commission representing the state of Kansas shall be the secretary of the
17 department of health and environment. The director of the division of
18 environment of the department of health and environment shall act as
19 alternate to the secretary and the alternate to such member shall be ap-
20 pointed by the governor, subject to confirmation by the senate as provided
21 in K.S.A. 75-4315b and amendments thereto.

22 Sec. 2. K.S.A. 65-34a02 is hereby repealed.

23 Sec. 3. This act shall take effect and be in force from and after its
24 publication in the Kansas register.

(a)

The member and alternate shall serve at the pleasure of the governor.

(b) Subject to the limitations of appropriations, the Kansas commission member and alternate, if not state employees, shall receive compensation in amounts established by the governor. In addition, when attending meetings of the commission or a subcommittee of the commission approved by the commission, the member and alternate shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

(c) The department of health and environment and the attorney general shall provide clerical, technical and legal staff assistance as requested by the Kansas commission member or the member's alternate.

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Attachment #4