

Approved: Carl Dean Holmes  
Date 3-25-96

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes at 3:45 p.m. on February 22, 1996, in Room 526-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Others attending: See attached list

**Action on HB 2955: Publication of policies, guidelines and standards of the division of environment**

Representative Steve Lloyd moved to amend HB 2955 on page 1, by striking all of Section 1 (b), lines 27-30. Representative Richard Alldritt seconded the motion. Discussion followed. The motion carried.

Representative Richard Alldritt moved to amend HB 2955 on page 1, by striking on line 20, after "publication," to line 23 after "Kansas." Representative Steve Lloyd seconded the motion. Discussion followed. The motion failed.

Representative Doug Lawrence made a conceptual motion to amend HB 2955 by inserting "or references to existing published documents . . ." on page 1, line 15 after "documents" and by changing the same in lines 24 and 25. Representative Rich Becker seconded the motion. Discussion followed. The motion carried.

Representative Don Myers requested balloon drafts on the amendments before voting on the bill. The Revisor will have those prepared for tomorrow's meeting.

**Action on HB 2707: Corporation commission authority with regard to energy efficiency standards for buildings**

Representative Tom Sloan moved to amend HB 2707 on page 1, in line 14, by striking all after the comma; in line 15, by striking all before "every . . ." Representative Steve Lloyd seconded the motion. The motion carried.

Representative Don Myers moved that HB 2707 be passed out favorably as amended. Representative Joann Flower seconded the motion. Discussion followed. The motion carried.

**Action on HB 2964: Statewide system for reporting and coordinating responses to spills of hazardous chemicals**

Representative Joann Freeborn moved to amend HB 2964 on line 21 by inserting "under EPCRA" after "chemicals." Representative Don Myers seconded the motion. Discussion followed. The motion carried.

Representative Tom Sloan moved to table HB 2964 based on the fact that it is not necessary in its present form, that the problem is much larger than what is contained in this bill, and that the lieutenant governor and others are working on the larger problem. Representative Richard Alldritt seconded the motion. The motion carried.

**Action on HB 2965: Public water supply system; expansion without permit; advisory**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m. on February 22, 1996.

committee abolished; financing of projects; fluoridation

Representative Tom Sloan distributed and explained the balloon to HB 2965 which essentially reinstates the advisory committee. (Attachment #1)

Representative Tom Sloan moved to adopt the balloon to HB 2965 including a conceptual motion for the part that was inadvertently omitted in Section 1, subsection (f) (4) by adding on the last line "or a majority of the members of the committee." Representative Joann Freeborn seconded the motion. Discussion followed. The motion carried.

Representative Dennis McKinney moved to amend HB 2965 on page 5, lines 3 and 4, by restoring the stricken language, "No primary drinking water standard or rule and regulation may require the addition of fluorides to public water supplies." Representative Clay Aurand seconded the motion. Discussion followed. The motion passed.

Representative Tom Sloan moved to amend HB 2965 on page 1, in line 38, by striking the second "of" and inserting "by"; in line 39, by striking "expansion of the system" and inserting "extension of distribution systems"; in line 40, by striking "expansion" and inserting "extension." Representative Laura McClure seconded the motion. The motion carried.

Representative Dennis McKinney moved to amend HB 2965 on page 5, by striking all of lines 1 through 3; after line 4, by inserting:

"Sec. 4. K.S.A. 1995 Supp. 65-163u is hereby amended to read as follows: 65-163u. (a) A municipality may issue general obligation bonds for the purpose of paying all or part of any project costs of a public water supply system operated by such municipality. Such bonds shall be issued, registered, sold, delivered and retired in accordance with the general bond law.

(b) Notwithstanding any other provision of law to the contrary, no election shall be required for the issuance of general obligation bonds or revenue bonds by a municipality for the purpose of paying all or part of any projects costs of a public water supply system operated by such municipality and. Such bonds shall not be subject to or within any bonded debt limitation provided by law if the secretary determines the project to be primarily for the purpose of compliance with the federal safe drinking water act (42 U.S.C. 300f et seq.) or regulations adopted under such act."

Also on page 5, by renumbering sections 4 and 5 as sections 5 and 6; in line 5, by striking "65-171m" and inserting "65-163c"; also in line 5, by striking "and 65-163d" and inserting ", 65-163d and 65-163u";

In the title, in lines 9 and 10, by striking "65-171m" and inserting "65-163c"; in line 10, by striking "and 65-163d" and inserting ", 65-163d and 65-163u . . ."

Representative Tom Sloan seconded the motion. Discussion followed. The motion carried.

Representative Tom Sloan moved that HB 2965 be passed out favorably as amended. Representative Dennis McKinney seconded the motion. The motion carried.

The meeting adjourned at 5:20 p.m.

The next meeting is scheduled for February 23, 1996.



## HOUSE BILL No. 2965

By Committee on Energy and Natural Resources

2-7

9 AN ACT concerning public water supply systems; amending K.S.A. 65-  
10 171m and K.S.A. 1995 Supp. 65-163 and 65-163d and repealing the  
11 existing sections.

65-163c and

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

14 Section 1. K.S.A. 1995 Supp. 65-163 is hereby amended to read as  
15 follows: 65-163. (a) (1) No person shall operate a public water supply  
16 system within the state without a public water supply system permit from  
17 the secretary. An application for a public water supply system permit shall  
18 be submitted for review and approval prior to construction and shall in-  
19 clude: (A) A copy of the plans and specifications for the construction of  
20 the public water supply system or the extension thereof; (B) a description  
21 of the source from which the water supply is to be derived; (C) the pro-  
22 posed manner of storage, purification or treatment for the supply; and  
23 (D) such other data and information as required by the secretary of health  
24 and environment. No source of water supply in substitution for or in  
25 addition to the source described in the application or in any subsequent  
26 application for which a public water supply system permit is issued shall  
27 be used by a public water supply system, nor shall any change be made  
28 in the manner of storage, purification or treatment of the water supply  
29 without an additional public water supply system permit obtained in a  
30 manner similar to that prescribed by this section from the secretary.

31 (2) Whenever application is made to the secretary for a public water  
32 supply system permit under the provisions of this section, it shall be the  
33 duty of the secretary to examine the application without delay and, as  
34 soon as possible thereafter, to grant or deny the public water supply sys-  
35 tem permit subject to any conditions which may be imposed by the sec-  
36 retary to protect the public health and welfare.

37 (3) *The secretary may adopt rules and regulations establishing a pro-*  
38 *gram of annual certification of public water supply systems that have staff*  
39 *qualified to approve the expansion of the system without the necessity of*  
40 *securing an additional permit for the expansion.*

41 (b) (1) Whenever a complaint is made to the secretary by any city of  
42 the state, by a local health officer, or by a county or joint board of health  
43 concerning the sanitary quality of any water supplied to the public within

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Attachment 1

1 the county in which the city, local health officer or county or joint board  
2 of health is located, the secretary shall investigate the public water supply  
3 system about which the complaint is made. Whenever the secretary has  
4 reason to believe that a public water supply system within the state is  
5 being operated in violation of an applicable state law or an applicable rule  
6 and regulation of the secretary, the secretary may investigate the public  
7 water supply system.

8 (2) Whenever an investigation of any public water supply system is  
9 undertaken by the secretary, it shall be the duty of the supplier of water  
10 under investigation to furnish to the secretary information to determine  
11 the sanitary quality of the water supplied to the public and to determine  
12 compliance with applicable state laws and rules and regulations. The sec-  
13 retary may issue an order requiring changes in the source or sources of  
14 the public water supply system or in the manner of storage, purification  
15 or treatment utilized by the public water supply system before delivery  
16 to consumers, or distribution facilities, collectively or individually, as may  
17 in the secretary's judgment be necessary to safeguard the sanitary quality  
18 of the water and bring about compliance with applicable state law and  
19 rules and regulations. The supplier of water shall comply with the order  
20 of the secretary.

21 (c) (1) As used in this subsection (c), "municipal water treatment  
22 residues" means any solid, semisolid or liquid residue generated during  
23 the treatment of water in a public water supply system treatment works.

24 (2) A public water supply system may place or store municipal water  
25 treatment residues resulting from sedimentation, coagulation or softening  
26 treatment processes in basins on land under the ownership and control  
27 of the public water supply system operator provided that such storage or  
28 placement is approved and permitted by the secretary under this section  
29 as part of the public water supply system.

30 (3) The secretary shall adopt uniform and comprehensive rules and  
31 regulations for the location, design and operation of such basins. Such  
32 rules and regulations shall require permit applications by the public water  
33 suppliers for such basins to include a copy of the plans and specifications  
34 for the location and construction of each basin, the means of conveyance  
35 of the treatment residues to such basins, the content of treatment resi-  
36 dues, the proposed method of basin operation and closure, the method  
37 of any anticipated expansion and any other data and information required  
38 by the secretary.

39 (4) Whenever complaint is made to the secretary by the mayor of any  
40 city of the state, by a local health officer or by a county or joint board of  
41 health, or whenever an investigation is undertaken at the initiative of the  
42 secretary, relating to any alleged violation of the provisions of the permit  
43 for placement or storage of municipal water treatment residues in such

1-2

1 basins, the public water supply system operator shall furnish all infor-  
 2 mation the secretary requires. If the secretary finds that there is any  
 3 violation of the terms of the permit, that the means of placement and  
 4 storage exceed the terms of the permit or that any other condition exists  
 5 by reason of the means of placement and storage that may be detrimental  
 6 to the health of any inhabitants of the state or to the environment, the  
 7 secretary shall have the authority to issue an order amending the permit  
 8 or otherwise requiring the operator to perform remedial measures to  
 9 curtail or prevent such detrimental conditions.

10 (d) Any action of the secretary pursuant to this section is subject to  
 11 review in accordance with the act for judicial review and civil enforcement  
 12 of agency actions. The court on review shall hear the case without delay.

13 (e) The secretary shall establish by rule and regulation a system of  
 14 fees for the inspection and regulation of public water supplies. No such  
 15 fee shall exceed \$.002 per 1,000 gallons of water sold at retail by a public  
 16 water supply system. All such fees shall be paid quarterly in the manner  
 17 provided for fees imposed on retail sales by public water supply systems  
 18 pursuant to K.S.A. 82a-954 and amendments thereto. The secretary shall  
 19 remit to the state treasurer all moneys collected for such fees. Upon  
 20 receipt thereof, the state treasurer shall deposit the entire amount in the  
 21 state treasury and credit it to the public water supply fee fund created by  
 22 K.S.A. 65-163c and amendments thereto.

23 (f) There is hereby created an advisory committee to make recom-  
 24 mendations regarding fees to be adopted by the secretary under subsec-  
 25 tion (e) and to advise the secretary regarding expenditure of moneys in  
 26 the public water supply fee fund created by K.S.A. 65-163c and amend-  
 27 ments thereto. Such advisory committee shall consist of one member  
 28 appointed by the secretary to represent the department of health and  
 29 environment; one member appointed by the director of the Kansas water  
 30 office to represent such office and two members appointed by the see-  
 31 retary as follows: One from three nominations submitted by the Kansas  
 32 section of the American waterworks association; and one from three nom-  
 33 inations submitted by the Kansas rural water association. Members of the  
 34 advisory committee shall serve without compensation or reimbursement  
 35 of expenses.

36 Sec. 2. K.S.A. 1995 Supp. 65-163d is hereby amended to read as  
 37 follows: 65-163d. As used in K.S.A. 1995 Supp. 65-163d through 65-163u  
 38 and amendments thereto:

39 (a) "Fund" means the public water supply loan fund established by  
 40 K.S.A. 1995 Supp. 65-163e and amendments thereto.

41 (b) "Municipality" means: (1) Any political or taxing subdivision au-  
 42 thorized by law to construct, operate and maintain a public water supply  
 43 system, including water districts; or (2) two or more such subdivisions

See attached insert



(f) There is hereby created an advisory committee to make recommendations regarding: (1) Fees to be adopted by the secretary under subsection (e); (2) means of strengthening on-site technical assistance to public water supply systems; (3) standards for on-site and classroom water and waste water treatment operator certification programs; and (4) to advise the secretary regarding expenditure of moneys in the public water supply fee fund created by K.S.A. 65-163c and amendments thereto. Such advisory committee shall consist of one member appointed by the secretary to represent the department of health and environment, one member appointed by the director of the Kansas water office to represent such office and two members appointed by the secretary as follows: One from three nominations submitted by the Kansas section of the American waterworks association, and one from three nominations submitted by the Kansas rural water association. Members of the advisory committee shall serve without compensation or reimbursement of expenses. The advisory committee shall meet at least four times a year on call of the secretary.

Sec. 2. K.S.A. 65-163c is hereby amended to read as follows: 65-163c. (a) There is hereby established in the state treasury the public water supply fee fund. Revenue from the following sources shall be deposited in the state treasury and credited to the fund:

(1) Fees collected under K.S.A. 65-163 and amendments thereto; and

(2) interest attributable to investment of moneys in the fund.

(b) Moneys deposited in the public water supply fee fund shall be expended only to: (1) Inspect and regulate public water supplies; and to (2) provide training, assistance and technical guidance to public water supply systems, including on-site technical assistance by the department or by a contractor contracting with the department in complying with the federal safe drinking water act (42 U.S.C. 300f et seq.) and regulations adopted under such act. The advisory committee established by K.S.A. 65-163 and amendments thereto shall advise the secretary regarding expenditures from the fund.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the public water supply fee fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the public water supply fee fund. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in the public water supply fee fund during the preceding month as certified to the board by the director of accounts and reports and (2) the average interest rate on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board for that period. On or before the fifth day of each month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the public water supply fee fund during the preceding month.

(d) All expenditures from the public water supply fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment for the purposes set forth in this section.

And by renumbering sections accordingly

1 jointly constructing, operating or maintaining a public water supply sys-  
2 tem.

3 (c) "Project" means any acquisition, construction, reconstruction, im-  
4 provement, equipping, rehabilitation or extension of all or any part of a  
5 public water supply system which the secretary determines to be primarily  
6 for the purpose of compliance with the federal safe drinking water act  
7 (42 U.S.C. 300f *et seq.*) or regulations adopted under such act. "Project"  
8 does not include any project related to the diversion or transportation of  
9 water acquired through a water transfer, as defined by K.S.A. 82a-1501  
10 and amendments thereto.

11 (d) "Project costs" means all costs or expenses which are necessary  
12 or incident to a project and which are directly attributable thereto.

13 (e) "Public water supply system" has the meaning provided by K.S.A.  
14 65-162a and amendments thereto.

15 (f) "Secretary" means the secretary of health and environment.

16 Sec. 3. K.S.A. 65-171m is hereby amended to read as follows: 65-  
17 171m. The secretary of health and environment shall adopt rules and  
18 regulations for the implementation of this act. In addition to procedural  
19 rules and regulations, the secretary may adopt rules and regulations pro-  
20 viding for but not limited to: (a) Primary drinking water standards appli-  
21 cable to all public water supply systems in the state. The primary drinking  
22 water standards may (1) identify contaminants which may have an adverse  
23 effect on the health of persons; (2) specify for each contaminant either a  
24 maximum contaminant level that is acceptable in water for human con-  
25 sumption, if it is economically and technologically feasible to ascertain  
26 the level of such contaminant in water in public water supply systems; or  
27 the treatment techniques or methods which lead to a reduction of the  
28 level of the contaminant sufficient to protect the public health, if it is not  
29 economically or technologically feasible to ascertain the level of the con-  
30 taminant in the water in the public water supply system; and (b) establish  
31 the requirements for adequate monitoring, maintenance of records and  
32 submission of reports, sampling and analysis of water, citing criteria and  
33 review and inspections to insure compliance with the contaminant levels  
34 or methods of treatment and to insure proper operation and maintenance  
35 of the public water supply system; and (c) the definition of different cat-  
36 egories of public water supply systems such as community water supply  
37 systems and noncommunity water supply systems and may provide for  
38 varying requirements for monitoring, maintenance of records and re-  
39 porting, sampling and analysis of water, citing criteria, and review and  
40 inspections based on numbers of persons served, source of supply  
41 whether surface or groundwater or other conditions as the secretary may  
42 determine to be in the interest of public health and welfare and economic  
43 benefits.



1 The standards established under this section shall be at least as strin-  
2 gent as the national primary drinking water regulations adopted under  
3 public law 93-523. ~~No primary drinking water standard or rule and reg-~~  
4 ~~ulation may require the addition of fluorides to public water supplies.~~

5 Sec. 4. K.S.A. 65-171m and K.S.A. 1995 Supp. 65-163 and 65-163d  
6 are hereby repealed.

7 Sec. 5. This act shall take effect and be in force from and after its  
8 publication in the statute book.

65-163c and

9-6