

Approved: 3-24-98
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson David Corbin at 8:00 a.m. on March 17, 1998 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Clark Duffy, Kansas Petroleum Council, representing Kansas Air Quality Coalition
John Federico, Kansas Coalition for Vehicle Choice
Leslie Kaufman, Kansas Farm Bureau
Karl Mueldener, Kansas Department Health and Environment
Michelle Miller, Intergovernmental Relations Coordinator, Johnson County, Kansas
Kimberly Gulley, League of Kansas Municipalities

Others attending: See attached list

A motion to approve the minutes of March 12 and 13 was made by Senator Morris with a second from Senator Schraad. The motion carried.

SCR 1619--Resolution urging federal government to not sign Kyoto Protocol unless developing countries commit to reduce greenhouse gas emissions.

Chairperson Corbin called on Clark Duffy to testify on the bill.

Clark Duffy, Associate Director, Kansas Petroleum Council, representing the Kansas Air Quality Coalition said they had requested introduction of **SCR 1619**. The SCR is very straight forward and simply asks the President and the United States Senate to keep their previously stated commitment to not sign or ratify the Kyoto Protocol on global climate change unless it includes a specific emission reductions commitment for developing countries. He requested an amendment which could further express the Legislature's position on global climate change. The proposed amendment is similar to the one adopted by the Midwestern Legislative Conference of the Council of State Governments at its meeting in Overland Park in July of 1997 (Attachment 1). The purpose amendment is attached to Mr. Duffy's testimony.

John J. Federico, The Kansas Coalition for Vehicle Choice, supported the proposal as it is imperative that the government continue to develop public policies that address legitimate energy and environmental concerns (Attachment 2).

Leslie J. Kaufman, Assistant Director, Public Affairs Division, Kansas Farm Bureau, supported the proposal, because United States would be at a great disadvantage if it signed the Kyoto Protocol on Global Climate Change requiring developed countries to reduce emissions with no corresponding mandate on developing countries (Attachment 3). She suggested the resolution be amended to oppose ratification of the treaty outright, regardless of whether or not developing countries would, at some point, fall within the emission reduction mandates of Protocol.

The hearing on **SCR 1619** was closed.

HB 2732--Certification of certain public sanitary sewer systems to approve certain sewer extensions without a permit.

Karl Mueldener, Kansas Department of Health and Environment, said they supported the bill as it streamlines

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 254-E Statehouse, at 8:00 a.m. on March 17, 1998.

permitting of sanitary sewer extensions, yet retains adequate authority for the Secretary to step in if a problem occurs (Attachment 4).

Michelle Miller, Johnson County, Kansas, testified in support of **HB 2732**. This legislation is a local option bill for the delegation of annual certification authority to wastewater departments and sewer districts to extend permit approval to developers for the extension of sewer lines. It would save a lot of time for the Department of Health and Environment and also professionally-staffed wastewater departments and sewer districts (Attachment 5).

Kimberly Gulley, League of Kansas Municipalities, supported the changes relating to sewer system extensions. She thought the annual oversight by KDHE combined with the requirement of a plan prepared by a professional engineer which complies with minimum design standards would reduce time consuming and costly procedures (Attachment 6).

A motion was made by Senator Morris that **HB 2732** be passed and placed on the consent calendar. Senator Schraad seconded the motion. The motion carried.

Chairperson Corbin opened the Committee discussion on **SCR 1619**.

A motion was made by Senator Morris to adopt the amendment proposed by Clark Duffy. The motion was seconded by Senator Schraad. The motion carried. A motion was made by Senator Tyson, with a second from Senator Huelskamp to strike all of the language after the semi-colon in line 12 through line 17. The motion failed.

Concern was expressed that the Kyoto Protocol if passed would be a disaster for Kansas farmers. It was suggested by one member that perhaps the resolution should be redone. A motion was made by Senator Biggs that SCR 1619 be passed as amended. The motion was seconded by Senator Goodwin. A substitute motion was made by Senator Huelskamp seconded by Senator Tyson to postpone action on the resolution until it could be determined if a new resolution should be drawn up. The motion carried.

Senator Corbin opened the discussion on **HB 2925 - Concerning the Kansas River; designating certain reaches to be used for certain purposes; relating to prosecution for certain crimes; relating to certain improvements of the Kansas River.**

The Committee discussed if both water districts and landowners would have to agree if the amendment of yesterday changing the "or" to "and" remained. Clint Riley responded to some questions regarding Wildlife and Parks agreements with private landowners to obtain land for public access. Senator Biggs pointed out that section 3 was added on the floor of the house. It was pointed out that the U. S. Corp of Engineer must agree with commercial activities on the river. A motion by Senator Biggs with a second by Senator Morris would delete Sec 3, on page 2. The motion carried. Senator Biggs said he thought the Committee should send it to the floor for consideration.

Senator Karr moved that HB 2925 be passed as amended. Senator Biggs seconded the motion. The motion failed.

The next meeting is scheduled for March 18, 1998.

The meeting adjourned at 8:58 a.m.

SENATE ENERGY & NATURAL RESOURCES COMMITTEE GUEST LIST

DATE: 3-17-98

NAME	REPRESENTING
Karl Muedener	KDHE
Leslie Kaufman	Ks Farm Bureau
Michelle Miller	Johnson County
Jorie Stramberg	JO Co
Kim Gulley	League of KS Municipalities
Nally Finny	Kansas Public Health Assn.
Jean Barber	Drainage Districts
Joe Liber	Ks Co-op Council
John Federico	KS CVC
Chint Riley	KDWP
DAWE BARCLAY	Alsop Sand Co.
Woody Moses	KAPPA
Harrie Ann Brown	KS EIO IT Consulting
STEVE KEARNEY	KOMA
TOM PALACE	KOMA
Clad Suffy	ISPC

KANSAS AIR QUALITY COALITION

KANSAS PETROLEUM COUNCIL Testimony on SCR 1619 Senate Committee on Energy and Natural Resources March 17, 1998

I am Clark Duffy, Associate Director of the Kansas Petroleum Council. I represent the Kansas Air Quality Coalition which requested introduction of SCR 1619. The Kansas Air Quality Coalition was formed in 1996 to work with the State of Kansas to ensure changes in the Federal Air Program protect the Kansas environment based on sound science and that these changes do not simply impose additional economic administrative and regulatory burdens on Kansans.

The Senate Concurrent Resolution 1619 is very straight forward. It does not attempt to engage in the debate over the merits of the global climate change issue. It simply asks the President and the United States Senate to keep their previously stated commitment to not sign or ratify the Kyoto Protocol on global climate change unless it includes a specific emission reductions commitment for developing countries.

The developing countries which are exempt from emission limitations under the Kyoto Protocol are expected to increase their emissions over the next two decades and to surpass the United States and other developed countries in total emissions of greenhouse gases. Therefore, this is more than simply an issue of fairness. Developing countries must also limit emissions if a reduction in global emissions of greenhouse gases is to be achieved.

Since the introduction of this resolution, I have looked for ways to strengthen this resolution and to make it even more meaningful. Attached is an amendment which could be included to SCR 1619 to further express the Legislature's position on global climate change. This amendment is similar to the resolution adopted by the Midwestern Legislative Conference of the Council of State Governments at its meeting in Overland Park in July of 1997.

KANSAS AIR QUALITY COALITION MEMBERSHIP:

Farmland Industries	Kansas Cooperative Council	Kansas Petroleum Council
GM Fairfax Plant	Kansas Farm Bureau	Koch Industries, Inc.
Kansas Automobile Dealers Association	Kansas Grain and Feed Association	Mid-America Lumbermens Association
Kansas Chamber of Commerce and Industry	Kansas Motor Carriers Association	National Cooperative Refinery Association
Kansas City Power & Light	Kansas Oil Marketers Association	Sunflower Electric
Kansas Coalition for Vehicle Choice		Utilicorp United, Inc.
		Western Resources, Inc.

**POSSIBLE AMENDMENT TO
SCR 1619
(which could be added as the first resolved):**

“That the Legislature supports climate policies that are balanced, cost effective, and justified by sound science and economic policy; and the Legislature opposes climate policies that unfairly burden the citizens of a particular community, state or country; and”



John J. Federico

On Behalf Of

The Kansas Coalition For Vehicle Choice (CVC)

In Support Of SCR No. 1619

Senate Committee on Energy & Natural Resources

March 17, 1998

I am John Federico of Federico Consulting, here on behalf of the Kansas Coalition For Vehicle Choice. I stand in support of SCR 1619. CVC is a not-for-profit vehicle users organization with Coordinators in 26 states across the country. We have as members in Kansas, over 300 businesses, associations and groups from across the State, representing tens of thousands of Kansans who share a common belief that the protection of the environment is a worthy goal, but that it must be accomplished by **reasonable** means and only after striking a balance between government intrusiveness and the physical and economic health of our citizenry!

CVC works to protect American's rights to choose and use the kinds of motor vehicles that meet their individual needs and to increase public understanding of the effect public policy proposals, such as those related to the Global Climate Change issue, can have on their freedom of choice, their mobility, and ultimately, their lifestyles!

YES, it is imperative that the government continue to develop public policies that address legitimate energy and environmental concerns. However, CVC believes that government also has an obligation to do this with great caution and careful consideration!

We support SCR 1619 for several reasons:

1) The fact that the Kyoto Protocol will not bind developing nations is extremely troubling. Measured in terms of energy consumption per unit of Gross Domestic Product, the U.S. has improved its energy performance by 33 % since 1973. Compare this with the fact that developing nations are the world's leading producers of carbon dioxide, according to the US Department of Energy, emitting 52 % of the world's energy related carbon dioxide.

Senate Energy & Natural Resources

2) We are concerned about the validity of the scientific evidence that suggests that man-made greenhouse gases are to blame for the global warming problem, if in fact there is a global warming problem.

3) And finally we are concerned about the negative impact this binding treaty would have on **consumers** by way of higher priced consumer goods, **motorists** by way of smaller, lighter, less durable vehicles, and the **agricultural industry** by way of new taxes on certain fertilizers and limitations on production of some crops!

Accordingly, on behalf of Kansas Coalition For Vehicle Choice, we ask that you support SCR 1619.

Thank you for your time,

John J. Federico



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

**RE: SCR 1619 - urging Congress to refrain from signing
the Kyoto Protocol.**

March 17, 1998

**Presented by:
Leslie J. Kaufman, Assistant Director
Public Affairs Division
Kansas Farm Bureau**

Chairman Corbin and members of the Committee, thank you for the opportunity to appear before you today in support of SCR 1619 which urges Congress to refrain from signing the Kyoto Protocol unless developing countries commit to mitigating greenhouse gas emissions.

The American Farm Bureau has taken a strong position against the Global Climate Change Treaty. Our 1998 AFBF Policy concerning the treaty is attached to this statement. The Global Climate Change Treaty will impose new regulations on American farmers, increase fuel, fertilizer and agriculture chemical costs and place American farmers at a disadvantage in international trade because of the noncompliance of developing countries.

Senate Energy & Natural Resources

Attachment: 3

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We urge the United State's Senate to refrain from ratifying the proposed treaty. Additionally, we will examine actions by the administration to ensure that provisions of the treaty are not enacted by administrative rule or executive order.

Scientific research is needed to accurately and conclusively determine the impact human activity has on global climate change before any binding emission limits are set.

SCR 1619 recognizes the disadvantage the United States would be placed in, if it signed the Kyoto Protocol on Global Climate Change requiring developed countries to reduce emissions with no corresponding mandate on developing countries. We support SCR 1619's position and encourage passage of the resolution.

Additionally, we would respectfully submit for your consideration, amending the resolution to oppose ratification of the treaty outright, regardless of whether or not developing countries would, at some point, fall within the emission reduction mandates of the Protocol.

Thank you.

1998 American Farm Bureau Policy

Global Climate Change Treaty (Kyoto) 128

We strongly oppose the recently completed Global Climate Change Treaty because it will:

- (1) Impose new regulations on American farmers through the United Nations;
- (2) Impose new costs for fuel, fertilizers and agricultural chemicals; and
- (3) Put U.S. farmers at a disadvantage in international trade because of noncompliance of developing nations.

We urge the U. S. Senate not to ratify the proposed treaty. In the absence of U. S. Senate ratification, we will closely examine all actions by the administration that would impose the requirements of the treaty through administrative rule making or executive order.

We believe further scientific research is needed to conclusively determine the impact of human activities on global climate change before any mandatory emission limits are set.



KANSAS

DEPARTMENT OF HEALTH & ENVIRONMENT

BILL GRAVES, GOVERNOR

Gary R. Mitchell, Secretary

Testimony presented to

Senate Energy and Natural Resources

March 17, 1998

by

Karl Mueldener
Director, Bureau of Water

House Bill 2732

Chairman and members of the committee, thank you for opportunity to present testimony on HB 2732. The bill will streamline permitting of sanitary sewer extensions, yet retains adequate authority for the Secretary to step into problem areas.

Kansas statutes require a public sewer system be issued a permit from KDHE for the extension of the sewer system. This appears to be an old requirement intended to assure proper design and construction of sanitary sewers. KDHE's review looks at the materials to be used, hydraulic issues, methods of construction, the history of overflows, basement backups, or other problems, and the status of the treatment plant receiving the sewage. KDHE is essentially checking to assure a problem is not being created or enlarged.

The process has been streamlined by the use of standard specifications, but can still be improved. This statutory change was suggested in a report to the 1996 legislature by a task force appointed by Rep. Holmes and the House Energy and Natural Resources Committee. The task force was chaired by the League of Municipalities. Review of the statutes impacting municipalities, and removing or changing outdated statutes, were among the charges to the task force. Other recommendations were made and implemented by the legislature. This change was not made due to legislative strategy reasons, not due to the proposal's lack of merit. KDHE was involved with the task force and was supportive of the proposal.

KDHE believes this bill still allows the agency to step in when appropriate. Appropriate intervention would include when the receiving treatment plant is overloaded or soon will be, the sewer system is in poor shape and overflows, basement backups are a problem and the proposed extension would make the situation worse. The bill would allow KDHE to establish regulations which will further streamline the process but still allow the local utility and KDHE to review the significant issues and take appropriate actions.

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Attachment: 4

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**TESTIMONY ON HB 2732 BEFORE THE SENATE
ENERGY & NATURAL RESOURCES COMMITTEE
On Behalf of the Johnson County Board of County Commissioners
Presented by Michelle Miller, Johnson County Intergovernmental Relations Coordinator
March 17, 1998**

Chairman Corbin, members of the committee, thank you for allowing me to appear before you today to testify on behalf of HB 2732. This bill is a 1998 priority of the Johnson County Board of County Commissioners. It is a very simple and straightforward housekeeping matter that deals with a routine practice of our Wastewater Department. An identical provision was provided to public water distribution systems in 1996, and we have borrowed language from that statute.

In a nutshell, this bill would confer from KDH & E, an annual certification or authority to wastewater departments who have a professional, licensed engineers on staff, or, as amended by the House committee, those who contract with a licensed engineer, to issue approvals to developers for sewer line extensions. Current practice requires developers to submit a permit application to local wastewater departments, who review and render that permit application to KDH & E for what amounts to a rubber-stamp approval of the application. That application is then returned to the wastewater department and the go-ahead is given to the developer. This process takes about 2-3 weeks time.

Johnson County in the last year processed about 145 such permit applications. In our experience, we have never had any review comments from KDH & E on these permit applications. The bill further allows the secretary of KDH & E to maintain regulation over the issuance of permits and the standards required to qualify for an annual, rather than per-permit, certification authority. The secretary has the authority to impose whatever oversight features, for instance, periodic reporting, that he deems advisable and necessary.

To sum up, this is a local option bill for the delegation of annual certification authority to wastewater departments and sewer districts to extend permit approval to developers for the extension of sewer lines. It confers the same authority to sewer districts that is now enjoyed by public water districts. It will remove a 2-3 week delay and save a lot of bureaucratic overhead for professionally-staffed wastewater departments and sewer districts. We have the full support of KDH & E, as well as the League of Municipalities in seeking this authority.

We hope you will agree that this is a simple bill that will facilitate a routine practice, and that you will see fit to recommend it to the Senate for passage. Thank you for taking my testimony, I am happy to stand for questions or comments.

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Intergovernmental Relations
Topeka, KS 66603

Jayhawk Tower
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League of
Kansas
Municipalities

Legal Department
300 S.W. 8th
Topeka, Kansas 66603
Phone: (785) 354-9565/ Fax: (785) 354-4186

To: Members of the Senate Energy and Natural Resources Committee

From: Kim Gulley, Assistant General Counsel

Date: March 17, 1998

Re: Support of HB 2732

I appreciate the opportunity to appear before you today on behalf of the League of Kansas Municipalities and our 527 member cities. The League strongly supports the changes relating to sewer system extensions as identified in this bill.

The language in this bill essentially provides for an annual certification to be issued by KDHE to allow cities to expand sewer systems when the extensions are prepared by a professional engineer and conform to minimum design standards. Under current law, a city must obtain a permit from KDHE for each separate extension project even when such projects are part of a larger plan which has been prepared by a professional engineer.

This recommendation mirrors the annual certification process concerning the expansion of water supply systems enacted by the Legislature in 1996 (HB 2965, K.S.A. 65-163). Providing a similar process for sewer system extensions was also advocated by the final report of the 1995 Environmental Law Task Force which was established by the Legislature and chaired by Chris McKenzie, League Executive Director.

We believe that an annual certification process as identified in HB 2732 will streamline the permit process for sewer system extensions. This will reduce the ultimate cost of these projects and save local tax dollars. Further, because KDHE would be authorized to issue annual certifications rather than issuing separate permits for each part of an expansion project, the cost to the state would also be reduced.

Finally, we believe that annual oversight by KDHE combined with the requirement of a plan prepared by a professional engineer which complies with minimum design standards provides adequate regulation to ensure public safety while reducing the administrative costs of government. We, therefore, wholeheartedly support the passage of HB 2732 as proposed.

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