

Approved: 4-10-98
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson David Corbin at 12:18 p.m. on March 30, 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 McClaflin, Committee Secretary

Conferees appearing before the committee:
Don Carlson, Kansas Department of Health and Environment (KDHE)
Dan Hermes, Director of Governmental Affairs, Governor's Staff
Representative Sharon Schwartz

Others attending: See attached list

A motion was made by Senator Biggs with a second to adopt the minutes of March 25. The motion carried.

Sub for HB 2950 - Regulations and permitting of swine facilities.

Chairperson Corbin reminded the committee that a motion to pass the bill as amended was on the floor. The purpose of the meeting was to give the committee an opportunity to review the balloon of **Sub for HB 2950.** Chairperson Corbin said the information requested from staff had been delivered to their office on Friday afternoon.

A question arose regarding animal units. Don Carlson, KDHE, reviewed the federal requirements under EPA for defining animal units. The committee discussed if watershed district structures and privately owned ponds would fall under the guidelines for separation distances from waste water lagoons. Don Carlson, KDHE, told the committee the private ponds would be exempt unless a significant water pollution problem was identified. He stated that watershed district structures would be included under the guidelines of the bill. Don Carlson responded to questions regarding the animal units section 1 (g) on page 4 of the bill.

The question arose if funding for KDHE would be available to hire the inspectors necessary to enforce the regulations provided for in this bill. Dan Hermes from the Governor's staff told the committee if the bill is passed the governor would appropriate funding to implement it and that would be an item in the omnibus bill. Representative Sharon Schwartz responding to a question said the environmental issues outlined in the bill were taken from the Pork Dialogue and in some cases were more stringent than those recommendations.

Senator Huelskamp said he would like to propose an amendment. The Chairperson reminded the committee a motion was on the floor. With approval of Senator Pugh and Senator Corbin the motion on the floor was withdrawn.

A motion was made by Senator Huelskamp with a second by Senator Morris to amend the bill and to allow boards of county commissioners in those counties which have had an advisory election on the issue of whether to allow "swine production facilities," to adopt a resolution rescinding a resolution which had permitted swine production facilities and for voters to petition the county commission to place a resolution on the ballot. Counties would not be able to charter out of the provision under home rule, and it would have a sunset provision at the end of 1998. Senator Huelskamp said the amendment would only apply to Meade and Seward Counties. The motion carried.

There was a lengthy discussion on the time needed to adopt the rules and regulations and the time necessary for swine facilities to submit a nutrient utilization plan. Don Carlson said it would take time for the technical people to know what is needed, and the KDHE and the Department of Agriculture would need to coordinate what is necessary in the chemigation area. Mr. Carlson said he thought a year after rules and regulations are

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 254-E Statehouse, at 12:15 p.m. on March 30, 1998,

adopted might be appropriate. He thought it would take 9 months to 1 year for the rules and regulations to be in place.

A motion was made by Senator Morris with a second by Senator Tyson to amend New Sec 6 (B) by striking "six months after the effective date of this act" and insert "12 months after the rules and regulations implementing this act are adopted", and provides that all applicable new standards and requirements for swine facilities that are imposed pursuant to the bill would apply to any swine facility for which an application for new construction or expansion is received by KDHE on or after March 1, 1998. The motion carried.

Don Carlson responding to questions on the seepage rate said he was comfortable with it at this time. However, should K-State lagoon study show that it was not adequate it could be adjusted at that time.

A motion was made by Senator Morris with a second by Senator Corbin that the bill be passed as amended. One senator said he could not support the bill as amended by the committee but he would support moving it to the floor to be discussed. The motion carried.

The meeting adjourned at 1:30 p.m.

No additional meetings are scheduled at this time.

SENATE ENERGY & NATURAL RESOURCES
COMMITTEE GUEST LIST

DATE: 3-30-98

NAME	REPRESENTING
Don Carlson	Ks. Dept. of Health & Environment
Kathy Bloom	
Wanda Adams	Meade County.
Charles Benjamin	KNRC/KS Sierra Club
Jacob Fitzgerald	Seward
Gary McFee	Sone Co.
Art Riedel	Pawnee County
Lewis H. Webster	Hodgeman County
Mary Fund	Ks. Rural Center
Shelley Kocher	Saline Ks
Joan W. Wyatt	Ks Farmers Union
Craig S. Holland	Spectrum Technologists
Paul Johnson	PAK
Derenda J. Mitchell	Ks. Dept. of Agriculture
Marty Vanier	KS Ag Alliance
Ed Mack	Senate
Sabrina Wells	Budget
Van Mermes	GOV'S OFFICE
Tally Clark	KDOA & H

DAVID R. CORBIN
SENATOR, SIXTEENTH DISTRICT
BUTLER, GREENWOOD & ELK COUNTIES



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
CHAIRMAN: ENERGY AND NATURAL RESOURCES
VICE-CHAIRMAN: ASSESSMENT & TAXATION
MEMBER: AGRICULTURE
FINANCIAL INSTITUTIONS & INSURANCE

Memorandum

TO: Members of the Senate Energy and Natural Resource Committee
FROM: Lila McClaflin *LM*
DATE: April 29, 1998
RE: Minutes of April 29, 1998

Attached are the minutes of the joint Senate and House Energy and Natural Resource Committee of 4/29/98. If there are additions or corrections, please contact Lila McClaflin, 6-7388 by 12:00 p.m., on May 1, 1998. If we do not hear from you they will be approved as written.

Have a great summer!

Thanks.