

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE.

The meeting was called to order by Chairman Robert Tyson at 8:46 a.m. on March 15, 2002 in Room 423-S of the Capitol.

All members were present except: Senator David Corbin - excused
Senator Tim Huelskamp - excused
Senator Dwayne Umbarger - excused

Committee staff present: Raney Gilliland, Legislative Research Department
Lisa Montgomery, Office of Revisor of Statutes
Deborah McIntire, Committee Secretary

Conferees appearing before the committee:
Bill Bider, Director, Bureau of Waste Management
Judy A. Moler, General Counsel/Legislative Services Director, Kansas
Association of Counties
Steve Kearney, Waste Management

Others attending: See attached list

Chairman Tyson opened the hearing on **HB 2704**.

Briefing by staff on HB 2704

This bill would make various amendments to the portion of law dealing with solid waste management planning. The bill would also clarify the law with respect to the submission of plans in a county which has previously participated in a regional plan and chooses to withdraw from the regional planning group.

Testimony on HB 2704

The first conferee and proponent was Bill Bider (Director, Bureau of Waste Management). He testified that this bill was introduced by the Department to clarify county and regional solid waste planning requirements. (Attachment 1). Questions and discussion followed.

Written testimony was provided by Judy A. Moler (General Counsel/Legislative Services Director, Kansas Association of Counties) in favor of the bill. (Attachment 2).

The third conferee was Steve Kearney (Waste Management) who proposed that the bill be amended on page 3, section (f) to state that the commission "must consider and hear requests for revisions to the plan from the public." He testified that this would insure input from all parties affected by the proposed changes by the commission, particularly in instances where a quorum of the solid waste management committee need not be present for the commission to take action on their own changes, at a time not regularly scheduled for plan revision. (Attachment 3). Questions and discussion followed.

Raney Gilliland provided a clarification of the intent of this bill.

Chairman Tyson closed the hearing on **HB 2704**.

Discussion and action on HB 2704—Concerning solid waste management planning

Senator Taddiken moved to amend HB 2704 on page 3, line 41, following the period, by inserting "The aforementioned meeting shall include an opportunity for public input." Seconded by Senator Schmidt. Motion carried.

Senator Schmidt moved to report HB 2704 favorably as amended, seconded by Senator Taddiken. Motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE at 8:46 a.m. on March 15, 2002
in Room 423-S of the Capitol.

Discussion and action on HB 2624—Concerning rural water districts and public wholesale water supply districts

Senator Downey moved to amend HB 2624 so that ground water management assessment cap rates would be set at \$1 per acre foot. Senator Schmidt seconded. Motion carried.

Senator Oleen moved to report HB 2624 favorably as amended (Attachment 4), Senator Downey seconded. Motion carried.

The meeting adjourned at 9:23 a.m.

The next meeting is scheduled for March 21 at 8:30 a.m.

SENATE NATURAL RESOURCES COMMITTEE

GUEST LIST

DATE: March 15, 2002

NAME	REPRESENTING
Leslie Kautman	Ks Farm Bureau
Bill Bider	KDHE
STEVE KEARNEY	WASTE MANAGEMENT OF KS
<i>Kara</i>	<i>State's Office</i>
Woody Moses	Ks. Agg. Producers Assn.
Walter Williams	KEMCA
Chris Wilson	GMD 3



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Clyde D. Graeber, Secretary

Testimony on House Bill 2704
to
Senate Natural Resources Committee
presented by
Bill Bider, Director, Bureau of Waste Management
Kansas Department of Health and Environment

March 15, 2002

The Department of Health and Environment appreciates this opportunity to present testimony in support of House Bill 2704. This bill was introduced by the department to clarify county and regional solid waste planning requirements. These revisions to the planning statutes, found in K.S.A. 65-3405, are needed because the existing law was developed in 1992 primarily to direct and guide counties to prepare initial plans. The provisions do not adequately address procedures to update or revise plans, nor do they clearly define the roles of county commissioners compared to county or regional solid waste planning committees. Another area of current law which requires clarification are those provisions which relate to the process by which a regional plan is revised.

The lack in clarity of relevant planning statutes is resulting in numerous questions from county governments, regional authorities, planning committee members, and solid waste permit applicants. The recommended amendments should lessen confusion and result in saved time and money by local or regional planners and local governments involved in the planning process..

The changes proposed by KDHE are designed to clarify requirements and procedures without making any substantive changes in roles and responsibilities. The bill maintains and even strengthens the role of county commissioners to make final decisions regarding plans using an official county process to adopt plans or recommendations prepared and submitted to them by a county or regional solid waste planning committee. The bill also maintains and clarifies the role of the county or regional planning committee to develop plans, review plans as necessary, revise plans to address changing conditions, and to make recommendations to county commissioners to adopt such changes.

Some major areas of change or clarification include:

- (1) Counties participating in a regional planning group may establish their own county planning committee with special assign duties, but they are not required to do so (page 1, lines 29-31).

- (2) County or regional planning committees must include at least 5 members and no more than 30 page 1, lines 38-42).
- (3) A county commissioner can only be appointed to a regional committee if one or more non-commissioners also represent the county. Every county in a region must have at least one representative on the regional planning committee (page 2, lines 16-22).
- (4) County and regional planning committees shall prepare plans, review plans annually, and report to the county commission with recommendations for plan revisions (page 2, lines 35-43 and page 3, line 1).
- (5) County commissioners shall review plans and planning committee recommendations, adopt plans or plan amendments, hold five-year public hearings, make reports to KDHE regarding planning efforts, and review solid waste permit applications for consistency with the county or regional solid waste plan (page 3, lines 2-24).
- (6) County commissioners may perform annual plan reviews in lieu of the planning committee if a quorum of the planning committee is not present at a properly scheduled meeting (page 3, lines 25-30).
- (7) A county commission may revise its solid waste plan at any time by convening a meeting of the planning committee to review the need for changes to the plan (page 3, lines 31-40).
- (8) Regional solid waste planning committees shall meet annually to review the regional plan and make recommendations to each county commission which must adopt the committee recommendations or submit comments to the committee. The committee must report the actions of the region to KDHE (page 3, lines 41-43 and page 4, lines 1-7) .
- (9) Plan revisions for regions or individual counties within regions shall be carried out in accordance with provisions set forth in interlocal agreements (page 4, lines 8-13).

In summary, counties and solid waste planning committees should find these amendments to be helpful as they carry out plan reviews and updates. No state or local fiscal impacts will result. And permit applicants should more thoroughly understand the procedures which must be followed if a plan requires amendment before a new facility can be permitted.

I would be happy to answer any questions.



KANSAS
ASSOCIATION OF
COUNTIES

WRITTEN TESTIMONY
Before the Senate Natural Resources
HB 2704
March 15, 2002

By Judy A. Moler, General Counsel/Legislative Services Director

Thank you Chairman Tyson and Members of the Committee for allowing the Kansas Association of Counties to provide written testimony on HB 2704.

The Kansas Association of Counties supports the passage of HB 2704. This legislation will create a countywide solid waste management committee that is broad based and interested in its work. It leaves the Board of County Commissioners with sufficient flexibility to craft a countywide solid waste management committee that will meet the needs of a particular county while meeting the statewide need to properly manage the state's solid waste stream to adequately protect the Kansas environment.

This legislation is consistent with the Kansas Association of Counties countywide solid waste management position on our platform. The Kansas Association of Counties respectfully urges the committee to pass out of committee HB 2704.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randy Allen or Judy Moler by calling (785) 272-2585.

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Senate Natural Resources Committee

Date 3-15-02

Attachment # 2

Testimony of Behalf of Waste Management
Prepared for the Senate Natural Resources Committee
Regarding House Bills 2704
March 15, 2002

Chairman Tyson and members of the Senate Natural Resources Committee:

I am Steve Kearney and am appearing here today on the above referenced bill on behalf of Waste Management of Kansas.

House bill 2704 pertaining to solid waste management planning:

Our concern regarding the changes proposed by this measure revolve primarily around changes to the current system and insuring that the process in use today for planning does not have further roadblocks to siting disposal facilities implemented. At the point when Kansas finds itself reaching capacity in it's current Subtitle D landfills, much like the problems Sedgwick County has and is still facing with the closing of the Brooks Landfill, any enhanced impediments to siting facilities could be detrimental to Kansas.

On behalf of Waste Management I would suggest an amendment on Page 3 to section (f) that would state that the commission "'must consider and hear requests for revisions to the plan from the public". This would insure input from all parties effected by the proposed changes by the Commission, particularly in instances where a quorum of the solid waste management committee need not be present for the Commission to take action on their own changes, at a time not regularly scheduled for plan revision.

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REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Natural Resources** recommends **HB 2624**, as amended by House Committee, and as reprinted, be amended on page 4, following line 19, by inserting the following:

"Sec. 3. K.S.A. 2001 Supp. 82a-1030 is hereby amended to read as follows: 82a-1030. (a) In order to finance the operations of the district, the board may assess an annual water user charge against every person who withdraws groundwater from within the boundaries of the district. The board shall base such charge upon the amount of groundwater allocated for such person's use pursuant to such person's water right. Such charge shall not exceed ~~\$-.60~~ \$1 for each acre-foot (325,851 gallons) of groundwater withdrawn within the district or allocated by the water right, except that the annual user charge for the fiscal year of the district beginning on or after July 1, 2001, and before July 1, 2002, may be in an amount not exceeding \$.65. Whenever a person shows by the submission to the board of a verified claim and any supportive data which may be required by the board that such person's actual annual groundwater withdrawal is in a lesser amount than that allocated by the water right of such person, the board shall assess such annual charge against such person on the amount of water shown to be withdrawn by the verified claim. Any such claim shall be submitted by April 1 of the year in which such annual charge is to be assessed. The board may also make an annual assessment against each landowner of not to exceed \$.05 for each acre of land owned within the boundaries of the district. Special assessments may also be levied, as provided hereafter, against land specially benefited by a capital improvement without regard to the limits prescribed above.

(b) Before any assessment is made, or user charge imposed, the board shall submit the proposed budget for the ensuing year to the eligible voters of the district at a hearing called for

that purpose by one publication in a newspaper or newspapers of general circulation within the district at least 28 days prior to the meeting. Following the hearing, the board shall, by resolution, adopt either the proposed budget or a modified budget and determine the amount of land assessment or user charge, or both, needed to support such budget.

(c) Both the user charges assessed for groundwater withdrawn and the assessments against lands within the district shall be certified to the proper county clerks and collected the same as other taxes in accordance with K.S.A. 79-1801, and acts amendatory thereof or supplemental thereto, and the amount thereof shall attach to the real property involved as a lien in accordance with K.S.A. 79-1804, and acts amendatory thereof or supplemental thereto. All moneys so collected shall be remitted by the county treasurer to the treasurer of the groundwater management district who shall deposit them to the credit of the general fund of the district. The accounts of each groundwater management district shall be audited annually by a public accountant or certified public accountant.

(d) Subsequent to the certification of approval of the organization of a district by the secretary of state and the election of a board of directors for such district, such board shall be authorized to issue no-fund warrants in amounts sufficient to meet the operating expenses of the district until money therefor becomes available pursuant to user charges or assessments under subsection (a). In no case shall the amount of any such issuance be in excess of 20% of the total amount of money receivable from assessments which could be levied in any one year as provided in subsection (a). No such warrants shall be issued until a resolution authorizing the same shall have been adopted by the board and published once in a newspaper having a general circulation in each county within the boundaries of the district. Whereupon such warrants may be issued unless a petition in opposition to the same, signed by not less than 10% of the eligible voters of such district and in no case by less than 20

of the eligible voters of such district, is filed with the county clerk of each of the counties in such district within 10 days following such publication. In the event such a petition is filed, it shall be the duty of the board of such district to submit the question to the eligible voters at an election called for such purpose. Such election shall be noticed and conducted as provided by K.S.A. 82a-1031, and amendments thereto.

Whenever no-fund warrants are issued under the authority of this subsection, the board of directors of such district shall make an assessment each year for three years in approximately equal installments for the purpose of paying such warrants and the interest thereon. All such assessments shall be in addition to all other assessments authorized or limited by law. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by said statute and may be issued without the approval of the state board of tax appeals. Any surplus existing after the redemption of such warrants shall be handled in the manner prescribed by K.S.A. 79-2940, and amendments thereto.";

And by renumbering the sections accordingly;

Also on page 4, in line 20, following "19-3552", by inserting "and 82a-1030";

On page 1, in the title, in line 10, following "Act", by inserting "concerning water; concerning groundwater management districts;"; in line 12, following "19-3552", by inserting "and 82a-1030"; and the bill be passed as amended.

Chairperson