

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 3:30 p.m. on March 9, 2009, in Room 783 of the Docking State Office Building.

All members were present except - Representative Svaty

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes  
Corey Carnahan, Kansas Legislative Research Department  
Pat Matzek, Committee Assistant

Conferees appearing before the Committee:

Dennis Schwartz, President, Kansas Rural Water Association  
Cheryl Beatty, City Administrator, City of Eudora  
Kevin Barone, The Capitol Lobby Group, LLC,  
Jack Whitson, City Administrator, City of Eudora  
Don Jarrett, General Counsel, Johnson County Government  
Bill Bider, Director, Bureau of Waste Management, Department of Health and Environment

Others attending:

See attached list.

Chairman Powell opened the meeting with introduction of Dennis Schwartz, President, Kansas Rural Water Association.

**Hearing on:**

**HB 2283 - Procedures for release of certain property of rural water districts.**

**Proponents:**

Dennis Schwartz, President, Kansas Rural Water Association, spoke in support of **HB 2283**, (Attachment 1) stating the bill delineates considerations that are prudent to be taken into account in a request for release of land from an existing rural water district. Mr. Schwartz further documented that the elements contained in the bill are reasonable aspects that should be considered when a petition for release is presented by landowners from a rural water district formed pursuant to K.S.A. 82a-612.

Cheryl Beatty, City Administrator, City of Eudora, appeared as a proponent of **HB 2283**, (Attachment 2) testifying that the bill would simply update current law by increasing the number of factors a board must consider when determining whether to release lands from a rural water district. Ms. Beatty further documented that in recent years, some rural water districts have come under the influence of specialized attorneys that have uprooted the process as set up by Kansas statute for dealing with property or area annexations and service transitions. The City of Eudora believes that if **HB 2283** had been in place, the wasteful spending of \$750,000 plus in attorney fees would not have occurred as a result of resolving customer service issues.

Kevin Barone, The Capitol Lobby Group, LLC, representing the City of Park City and the City of Eudora, spoke in support of **HB 2283**, (Attachment 3) documenting the factors added by this bill harmonize with state law current case law adopted by both the Kansas Supreme Court and the 10<sup>th</sup> Circuit Court. Additionally, the factors are the same or similar to the factors a court will evaluate where a dispute arises concerning the price for service charge by federally indebted rural water districts. Mr. Barone attached a balloon to his testimony describing the significance of each portion of amended language, its origin, and how it provides a detailed overview of the need for the additional factors arising out of litigation over the years.

Written testimony in support of **HB 2283**:

Jack Whitson, City Administrator, City of Park City (Attachment 4)

Questions were asked and comments were made by members of the Committee.

CONTINUATION SHEET

Minutes of the House Agriculture And Natural Resources Committee at 3:30 p.m. on March 9, 2009, in Room 783 of the Docking State Office Building.

The hearing was closed on **HB 2283**.

Chairman Powell opened the hearing on **SB 183** by requesting Corey Carnahan, Kansas Legislative Research Department, to give an explanation of the bill. Mr. Carnahan advised **SB 183** would give city and county governments the authority to implement an approved solid waste management plan using the existing authority of levying fees and charges upon residents receiving solid waste management services. Mr. Carnahan noted that when this bill passed out of the Senate, the vote was 38 to 2.

**Hearing on:**

**SB 183 - Solid waste management plans.**

Don Jarrett, General Counsel, Johnson County Government, (Attachment 5) spoke in support of **SB 183**, stating the bill clarifies that county commissions may use the annual fee authority already established in K.S.A. 65-3140, to support the costs to implement county solid waste management plans, and further, it does not establish any new fees or grant counties new fee authority. Mr. Jarrett further documented that implementing solid waste management plans require resources, and the Johnson County Board of Commissioners would like the option of using the fee already authorized in the statute to cover the costs but they cannot do so until the statute is clarified, and **SB 183** would accomplish this clarification.

Bill Bider, Director, Bureau of Waste Management, Department of Health and Environment (KDHE), (Attachment 6) appeared in support of **SB 183**, testifying the bill will improve solid waste management in Kansas by giving counties or regional authorities that plan together, some additional clarity in how they might use those funds that they might generate already through a real property fee they can assess with the current law. Mr. Bider also stated this bill also recognizes and indirectly supports the solid waste planning process KDHE has in Kansas already established by law.

Written testimony in support of **SB 183**:

Thomas E. Coffman, Director of Public Relations, Deffenbaugh Industries, Inc. (Attachment 7)  
Melissa A. Wangemann, General Counsel, Kansas Association of Counties (Attachment 8)

Questions were asked and comments were made by members of the Committee.

The hearing was closed on **SB 183**.

The next meeting is scheduled for March 10, 2009.

The meeting was adjourned at 4:15 p.m.





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WATER  
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**Comments on House Bill 2283  
Before the House Agriculture and Natural Resources Committee  
March 9, 2009**

Chairman Powell and Members of the Committee:

The Kansas Rural Water Association appreciates this opportunity to comment on House Bill 2283. The Association provides training and technical assistance to cities, rural water districts, public wholesale water supply districts and other non-community water systems. The Association's membership includes 455 cities and 275 rural water districts and 12 public wholesale districts.

Kansas Rural Water Association supports HB 2283 to the extent that the Bill delineates considerations that are prudent to be taken into account in a request for release of land from an existing rural water district. The elements contained in the Bill are reasonable aspects that should be considered when a petition for release is presented by landowners from a rural water district formed pursuant to K.S.A. 82a-612, et. seq.

Thank you for your consideration.

Respectfully,

Dennis Schwartz, President  
Kansas Rural Water Association

Ag & Natural Resources Committee  
Date 3-09-09  
Attachment 1



# City of Eudora

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## Testimony for HB2283

City of Eudora

Cheryl S. Beatty  
City Administrator

Good afternoon Chairman and members of the Committee. My name is Cheryl Beatty, City Administrator for the City of Eudora. I represent the City of Eudora for the purpose of this testimony and I am here in support of HB2283. HB2283 would simply update current law by increasing the number of factors a board must consider when determining whether to release lands from a rural water district.

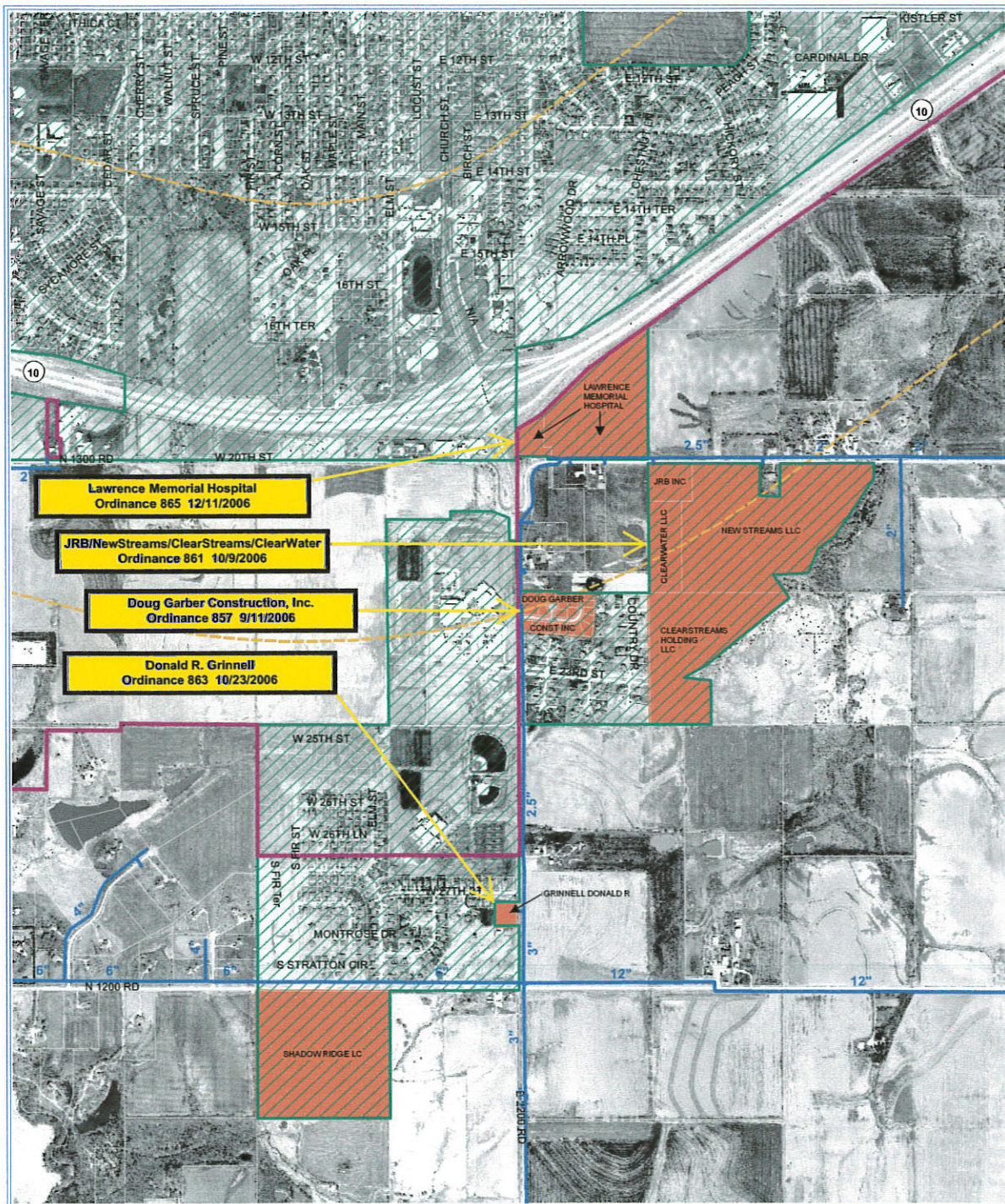
Rural water districts are created to provide water "to such lands that are without an adequate water supply" and "that such improvement or works will be conducive to and will promote the public health, convenience and welfare (KSA 82a-602)." In addition, rural water districts generally serve very low density areas and district boundaries are normally far and away from cities boundaries. That is not always the case, however, as a City begins to grow. In recent years a problem has occurred when some rural water districts believe that as a city grows, a city with municipal water service may never serve rural water district customers even upon city annexation, even if a customer doesn't want to be served by the rural water district. In recent years some rural water districts have come under the influence of specialized attorneys that have uprooted the process as set up by Kansas statute for dealing with property or area annexations and service transitions.

Attached to this testimony are maps showing boundary conflicts that have occurred over a five year period. Conflicts have arisen over water service for developments regarding potable water and fire protection. Normally these services are provided through City standards to accommodate dense housing and commercial development.






Why is all of this relevant to the City of Eudora? First the City of Eudora is a growing community. Growth is good for the community, Douglas County, and the State of Kansas. We work hard to provide high quality utility services such as our municipally owned water service. Our support for HB 2283 stems from the ongoing issues with a rural water district near us. We believe that if HB 2283 had been in place, the wasteful spending of \$750,000 plus in attorney fees would not have occurred to resolve customer service issues.

The City of Eudora is only asking for reasonable solutions as proposed in HB 2283. We want to build the City and Kansas economic base for the betterment of all of Kansas. We support the states effort to build a better Kansas.

Ag & Natural Resources Committee  
Date 3-09-09  
Attachment 2



**Map Key**

-  Douglas Co. RWD 4 Waterlines
-  Douglas Co. RWD 4 Boundary
-  K-10 Corridor Boundary
-  City of Eudora Incorp. Area (2006)
-  City of Eudora Annexed Areas



1 inch equals 1,000 feet

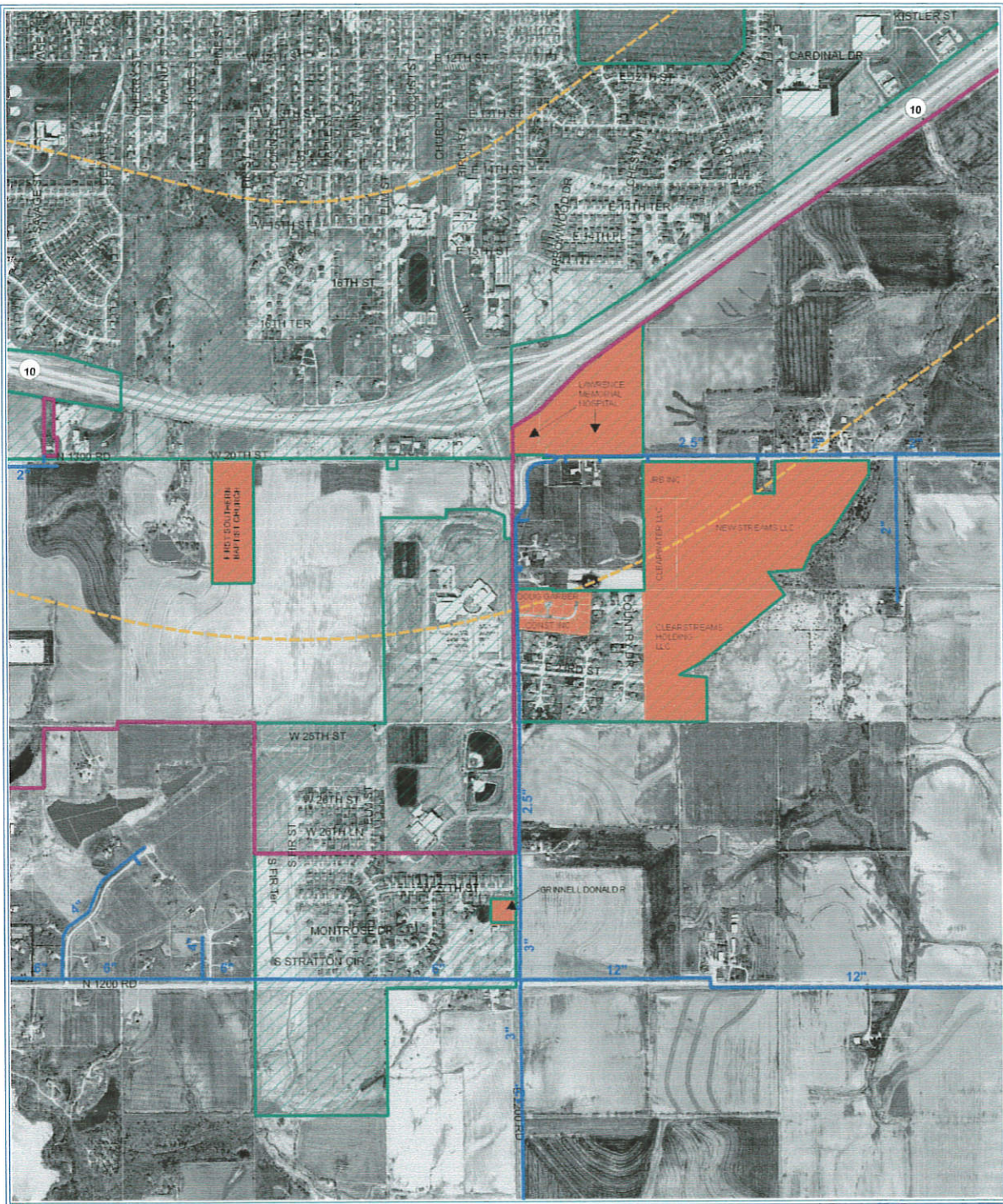
**City of Eudora Annexed Areas  
INCLUDING  
City of Eudora Current Service Area  
AND  
2006 Aerial Imagery**

Notes:  
 \*Data Source: Douglas County, Kansas  
 Aerial Imagery: Douglas County LIDAR color imagery (2006) converted to grayscale.






Created: Jan 12, 2006  
 Jason Downs, Downs Geomatics, L.L.C.

**Plaintiff's Exhibit  
108**

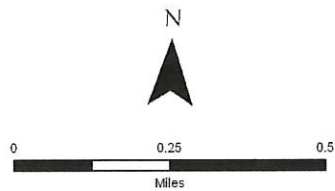
2-2



### Map Key

-  Douglas Co. RWD 4 Waterlines
-  Douglas Co. RWD 4 Boundary
-  K-10 Corridor Boundary
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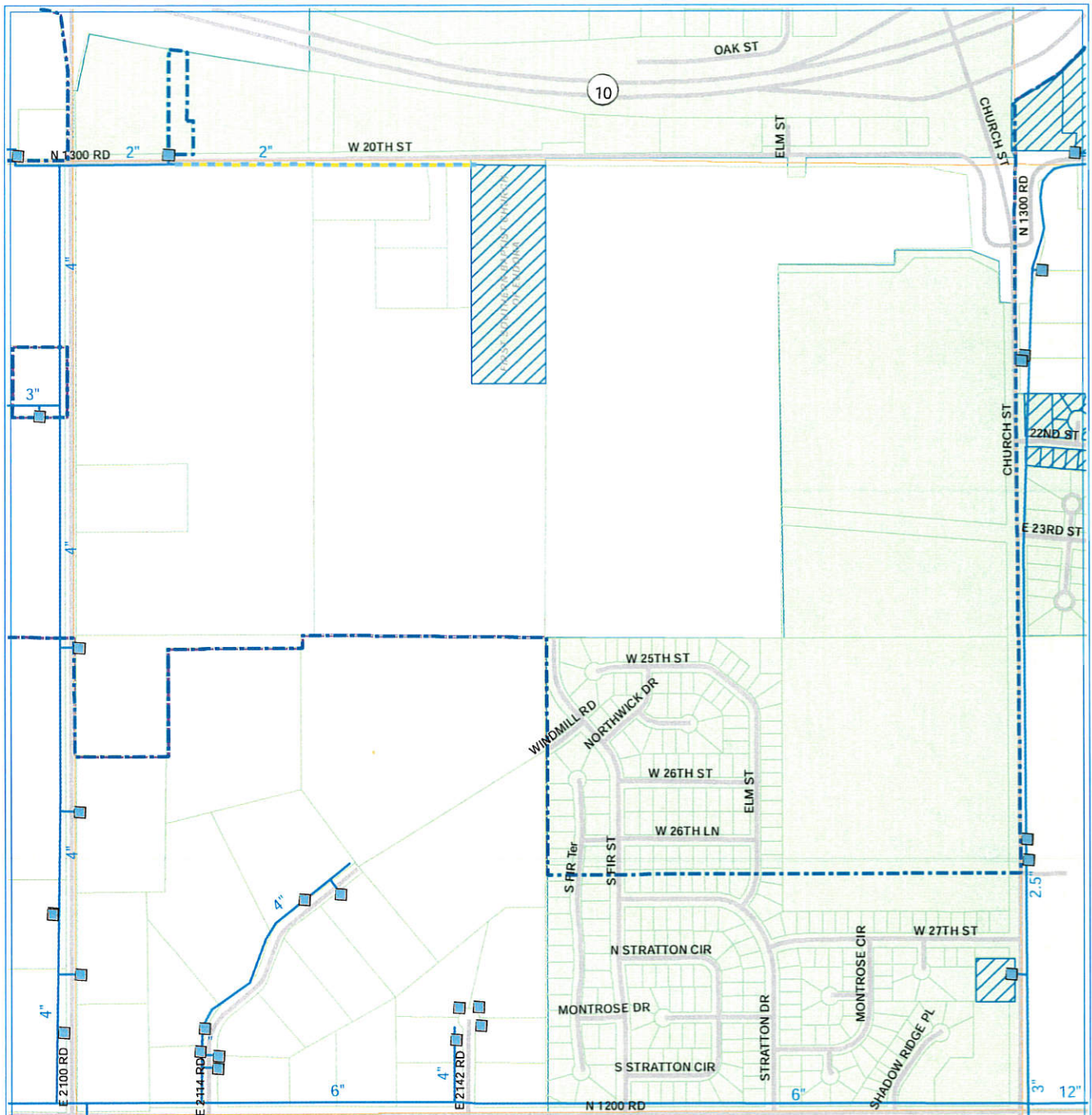
Notes:  
 \*Data Source: Douglas County, Kansas  
 Aerial Imagery: Douglas County LIDAR color Imagery (2006)



1 Inch = 1,000 feet

Updated: March 2, 2009  
 Jason Downs Downs Geomatics, L.L.C.

**City of Eudora Annexed Areas**  
**INCLUDING**  
**City of Eudora Current Service Area**  
**AND**  
**2006 Aerial Imagery**



**Legend**

- Meters
- Water Lines
- Proposed Service Line (Approx. 1,700 ft.)
- RWD 4 Service Area Boundary
- Conflicting Properties
- Parcels
- Eudora Municipal Area
- RWD 4 Service Area

N

0      500      1,000

Feet

Updated Feb. 27, 2009  
Jason Downs, Downs Geomatrix, L.L.C.

Douglas County RWD No. 4

2-4



March 9, 2009

Testimony in Support of HB2283  
House Agriculture and Natural Resources Committee

Good afternoon Chairman and members of the Committee. My name is Kevin Barone, I represent the City of Park City and the City of Eudora. I am here today in support of HB2283. HB2283 would simply update current law by increasing the number of factors a board must consider when determining whether to release lands from a rural water district.

The factors added by HB2283 harmonize with state law current case law adopted by, both, the Kansas Supreme Court and the 10<sup>th</sup> Circuit. The factors are the same or similar to the factors a court will evaluate where a dispute arises concerning the price for service charge by federally indebted rural water districts. The addition of this language ensures that districts practice due diligence by considering factors they are already required to consider, but they may not be on notice of such a requirement.

Where disputes arise, the court will examine the very same factors amended into HB2283. Harmonizing the factors established by the court with state law will facilitate a better working relationship between the city and the rural water district by ensuring all interests are considered, and by helping avoid costly litigation.

The added factors will make certain a district consider the best interest of the customer and provide safe and adequate service in the most economical means possible. Attached you will find a bubble-sheet describing the significance of each portion of amended language, and its origin. The bubble-sheet is meant to supplement the information provided by Staff and provides a detailed overview of the need for the additional factors arising out of litigation over the years.

I would like to thank you for hearing HB2283 today and ask that you vote HB2283 favorably out of committee.

Best,

Kevin A. Barone  
The Capitol Lobby Group, LLC

Ag & Natural Resources Committee  
Date 3-09-09  
Attachment 3

3-2

HOUSE BILL No. 2283

By Committee on Energy and Utilities

2-5

-HB 2283 would update current law by increasing the number of factors a board must consider when determining whether to release lands from a rural water district.

-The factors added by HB 2283 codify current case law adopted by, both, the Kansas Supreme Court and the 10th Circuit. The factors are the same or similar to the factors a court will evaluate where a dispute arises concerning the price for service charged by federally indebted rural water districts.

9 AN ACT concerning rural water districts; relating to procedures for re-  
10 lease of lands from a district; amending K.S.A. 2008 Supp. 82a-646  
11 and repealing the existing section.  
12

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

14 Section 1. K.S.A. 2008 Supp. 82a-646 is hereby amended to read as  
15 follows: 82a-646. (a) Terms used in this section shall have the meanings  
16 provided by K.S.A. 82a-612, and amendments thereto.

17 (b) If certain lands included within a district cannot be economically  
18 or adequately served by the facilities of the district, the owners of such  
19 lands may petition the board of directors of the district to release those  
20 lands from the district. The petition shall describe the lands requested to  
21 be released and shall be signed by at least 75% of the total number of  
22 the owners of the lands requested to be released. The board of directors  
23 may prescribe a fee to be collected from the petitioners for the purpose  
24 of offsetting costs reasonably expected to be incurred by the district in  
25 hearing the request for release. The petition for release, together with a  
26 verified list of the names and addresses of all owners of the land requested  
27 to be released, and the prescribed fee, shall be filed with the secretary  
28 of the district.

29 (c) If the board of directors of the district finds the petition to be in  
30 proper form, the board shall conduct a hearing on the petition for release.  
31 Notice of the time and place of the hearing shall be mailed to all owners  
32 of land requested to be released not later than 10 days before the hearing.  
33 The hearing may be continued from time to time without further notice  
34 to landowners. In considering the petition for release, the board shall  
35 consider whether the lands requested to be released cannot be econom-  
36 ically or adequately served by the facilities of the district and whether the  
37 release would be in the best interests of the landowners and the district,  
38 based on the following factors:

39 (1) Whether the petitioners for release of lands have applied for one  
40 or more benefit units to serve the lands requested to be released, which  
41 applications have been denied directly or where the cost of the benefit  
42 units or service or equipment is unreasonable, excessive or confiscatory  
43 so as to render service unavailable;

Where prices are unreasonable, excessive, or confiscatory, service is NOT being provided in the "most economical means possible" and denying the release of the land is NOT in the best interest of the landowner, district, municipality, or the state of Kansas.

Where prices are prohibitive, neither the district nor municipality gain new customers, the landowner is unable to develop the land, and Kansas suffers from the loss of economic development.

The amended language comes directly from a 10th Circuit case involving a Kansas RWD:

Although a district has "adequate facilities within or adjacent to" an area, "the cost of those facilities may be so excessive that it has not made services 'available.'" "There is some point at which costs become so high that assessing them . . . constitutes a practical deprivation of service." In articulating the standard, Kansas courts have concluded that rates may not be "unreasonable, excessive or confiscatory."

RWD No. 1 v. Ellsworth Co., 243 F.3d 1263, 1271 (10th Cir. 2001).

Factors ## 8, 9

Amended factors 8 & 9 come directly from the Kansas Supreme Court and the 10th Circuit. These factors are meant to prevent monopolistic pricing.

**In determining whether prices are unreasonable, Kansas decisions indicate that a RWD may only “charge such rates as will yield a fair profit, so long as the rate is not disproportionate to the service rendered.”**

*RWD No. 1 v. Ellsworth Co.*, 243 F.3d 1263 (10th Cir. 2001) *citing Shawnee Hills Mobile Homes, Inc. v. RWD No. 6*, 537 P.2d 210, 218 (Kan. 1975).

Factors ## 3, 11

The purpose of this provision is to ensure *affordable access* to a *clean, safe, and adequate* water supply for users located simultaneously within the boundaries of a rural water district and the boundaries of a city.

**“It is . . . standard practice for RWDs to take into account whether it is *economical* to provide service to a particular user. This includes . . . whether the customer can obtain cheaper service from a neighboring district or city.”**

*RWD No. 1 v. Ellsworth Co.*, 211 F. Supp. 2d 1324 (D. Kan. 2002).

Factors ## 10 & 12

**In its hearing to determine whether release of land is in the best interest of *both* landowner *and* district, the RWD should consider whether its decision *not* to release the land could hinder development of any kind.**

**Hindering development can severely stunt the growth of a city’s tax base, which is detrimental to the state of Kansas.**

Factor # 13

Cities may be required provide fire protection services to annexed territories. See K.S.A. § 80-1513(c). A city must install water lines for fire protection services that *could* (and typically would be) used for domestic water service. Duplicate lines create economic and physical waste, which is bad for the state of Kansas.

- 1 (2) the length of time before the board of directors reasonably expect
- 2 to make water service available to the lands requested to be released;
- 3 (3) whether water service is available from another source if the lands
- 4 are released from the district and the relative cost of obtaining service
- 5 from each source;
- 6 (4) if water service is available from the district to the lands requested
- 7 to be released, the relative cost of obtaining such water service, as deter-
- 8 mined by the district, compared to the additional value of the lands after
- 9 water service is made available;
- 10 (5) if water service is available from the district, the cost of obtaining
- 11 such water service, as determined by the district, compared to the cost
- 12 of obtaining water from another source;
- 13 (6) whether any applicable law will prevent any other water suppliers
- 14 from serving the lands requested to be released; and
- 15 (7) whether the district’s interest in maintaining the integrity of its
- 16 territory is outweighed by the landowners’ need to obtain a source of
- 17 supply of water to the lands requested to be released;
- 18 (8) whether the decision of such board to deny release of lands would
- 19 allow the district to yield more than a fair profit;
- 20 (9) whether the district establishes a rate for services or equipment
- 21 that is disproportionate to the services rendered;
- 22 (10) whether the district has provided water service to residents or
- 23 landowners within the disputed territory and would be losing existing
- 24 customers or whether the disputed territory would supply new customers;
- 25 (11) whether the district can provide a safe and adequate supply of
- 26 water to customers of such district and whether a greater level of water
- 27 service can be provided by another provider and the relative cost of each
- 28 option;
- 29 (12) whether such board’s refusal to detach the territory would result
- 30 in any economic waste or hinder any economic development; and
- 31 (13) where a district provides water service to residences and where
- 32 a city is required to provide fire protection services, if duplicate water
- 33 service lines would cause any economic or physical waste.
- 34 (d) The board may approve the release of all or part of the lands
- 35 requested to be released or may deny the request. The burden of proof
- 36 shall be on the petitioners for release. The board of directors shall make
- 37 a determination on the petition for release within 120 days after its re-
- 38 ceipt, shall record its findings in the minutes of the district and shall mail
- 39 a copy of such findings to each petitioner within seven days.
- 40 (e) Any owner of land requested to be released from the district who
- 41 is dissatisfied with the determination of the board of directors on the
- 42 petition for release may bring an action in the district court of the county
- 43 in which the district is located to determine if the board of directors of

HB 2283

3

1 the district abused its discretion in making such determination. Such ap-  
2 peal shall be filed within 30 days after the final decision of the board.

3 (f) If the board of directors of the district approves the petition, or if  
4 the district court on appeal determines that the board abused its discre-  
5 tion in denying release, a copy of the board's action approving the release  
6 or of the district court's order on appeal, as the case may be, shall be  
7 transmitted to the chief engineer and to the county clerk, who shall note  
8 the change of such district's boundaries.

9 Sec. 2. K.S.A. 2008 Supp. 82a-646 is hereby repealed.

10 Sec. 3. This act shall take effect and be in force from and after its  
11 publication in the statute book.



For a day, a week, a lifetime.

6110 North Hydraulic  
Park City, KS 67219-2499  
Tel 316-744-2026  
Fax 316-744-3865

March 9, 2009

TO: Committee on Agriculture and Natural Resources

Re: HB 2283

Rural Water Districts provide a needed service in rural areas, and must be kept strong financially. However, in recent years these Districts have also impeded cities from providing needed water and fire service within their corporate limits by hiding behind federal statutes.

More and more cities are having legal issues with Rural Water District in urban areas. Our community was forced into a legal issue several years ago. If current laws are not adjusted to take into account urban areas expanding into Rural Water Districts, then more and more tax dollars are going to be wasted because of lawsuits, and duplication of service.

We support HB 2283 and the factors that are being placed into state law. These factors should serve as a reasonable guideline for Rural Water Districts, and hopefully create discussion upfront. We view this as a positive first step in resolving some of the Rural Water Districts issues with cities.

Yours truly,

PARK CITY, KANSAS

Jack Whitson  
City Administrator

Ag & Natural Resources Committee

Date 3-09-09

Attachment 4



**JOHNSON COUNTY, KS TESTIMONY SENATE BILL 183  
HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE**

**Docking Office Building Hearing Room 783**

**Monday, March 9, 2009**

**3:30 p.m.**

- Chairman Powell and members of the Committee, good afternoon. My name is Don Jarrett, Chief Counsel to the Johnson County Board of County Commissioners. I am here today on behalf of the Commission.
- Thank you for the opportunity to testify in support of Senate Bill 183 which passed in the Senate without amendment and without any testimony in opposition to the bill. We proposed the language in the bill to help us address some solid waste challenges in Johnson County which I will describe in a moment.
- However, this bill will also benefit every county in KS which either now or sometime in the future will need to raise local revenue to resolve local solid waste issues. For this reason, the KS Association of Counties is on record in support of this bill.
- Senate Bill 183 clarifies that county commissions may use the annual fee authority already established in KSA 65-3410 to support the costs to implement county solid waste management plans. The bill does not establish new fees or grant counties new fee authority. It simply clarifies the list of things that counties can use the fee to pay for.
- As you may know, counties are required by state law to develop and implement solid waste management plans so that all waste generated within a county is adequately managed to protect public health, welfare and the environment (KSA 65-3405).
- KSA 65-3410 already authorizes county commissions to assess a fee on residents and businesses to defray the costs of providing for a proper solid waste management system (e.g., purchase equipment, acquire land, build and operate transfer stations, landfills, etc.).

Ag & Natural Resources Committee  
Date 3-09-09  
Attachment 5

- However, the statute does not specifically state that the fee may be used to cover the costs of implementing county solid waste management plans. These plans often include measures that go beyond the specific solid waste management system elements listed in the statute. Examples include public outreach and education, data collection and analysis, recycling efforts and feasibility studies to determine the best waste disposal options.
- Since plan implementation is an integral part of establishing and supporting a proper solid waste management system, the language in the statute needs to be clarified to cover plan implementation. Otherwise, counties may not be able to fund implementation of their solid waste management plans. Failure to implement an approved plan is a violation of state law (KSA 65-3405).
- Johnson County's interest in this issue is acute and time-sensitive. In December, 2007, the Board of County Commissioners adopted a new county-wide Solid Waste Management Plan for Johnson County. The Plan lays out strategies to prepare for the impending closure of the Johnson County Landfill, owned and operated by Deffenbaugh Industries, Inc. This landfill is the largest in the state of KS and one of the largest in the nation. And it will close no later than 2027 under an enforceable agreement with the City of Shawnee, and may run out of space sooner than 2027.
- More than 80 percent of the County's waste is disposed in this landfill, making it imperative to move aggressively and quickly to reduce waste and develop new disposal options as called for in the Plan. The landfill also serves several surrounding counties, making this a regional, not just a Johnson County issue.
- Implementing solid waste management plans requires resources. The Johnson County Board of County Commissioners would like the option of using the fee already authorized in KSA 65-3410 to cover these costs. However, they cannot do so until the statute is clarified.
- Senate Bill 183 accomplishes this clarification. Without this amendment to KSA 65-3410, KS counties may be unable to fund the implementation of their solid waste management plans which are intended to address local solid waste needs.
- Thank you again for the opportunity to testify in support of this bill. I would be happy to answer any questions.



Kathleen Sebelius, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

www.kdheks.gov

## Testimony on Senate Bill 183

Presented to  
House Agriculture and Natural Resources Committee  
by  
Bill Bider  
Director, Bureau of Waste Management

March 9, 2009

Chairman Powell and members of the committee, my name is Bill Bider and I serve as the Director of the Bureau of Waste Management at the Kansas Department of Health and Environment. Thank you for the opportunity to provide testimony in support of SB 183 which will help counties and regional solid waste planning authorities improve waste management activities in Kansas.

This bill recognizes the importance of the county and regional solid waste management planning process by modifying K.S.A. 65-3410. The bill authorizes counties and cities to implement the activities specified in solid waste plans if they have been approved by KDHE. Solid waste plans identify a wide variety of programs and studies that relate to waste management. This section of law already authorizes cities and counties to collect fees on real property for the purposes of managing solid waste, including recycling activities, but it is not clear whether the current provisions allow such fees to be used to pay for such things as the preparation of feasibility studies or solid waste plan updates, or for public education related to waste management. The change clarifies this uncertainty as long as such activities are identified in a county or regional solid waste plan.

The bill also establishes new authorities for local governments to adopt ordinances or regulations to implement objectives or tasks set forth in solid waste plans including recycling. This is an important tool for local governments to implement practices that may not be desired statewide. For example, a county may wish to establish a ban on yard waste disposal in their local landfill in order to conserve landfill "airspace," even though a statewide yard waste landfill ban is not appropriate or necessary. Another example could be a city or county that wishes to require curbside collection of recyclables. Many other cities or counties may choose an alternative way to reduce their waste.

I would be happy to answer any questions that the committee may have.

Ag & Natural Resources Committee  
Date 3-09-09  
Attachment 6





March 9, 2009

Representative Larry Powell  
Chairman, Agriculture and Natural Resources Committee  
Kansas State Capitol  
Topeka, KS  
66612

Representative Powell:

Thank you for accepting our letter in support of Senate Bill 183. Deffenbaugh Industries believes passage of SB 183 is critical to the full implementation of the progressive Solid Waste Management Plan adopted in 2007 by Johnson County. Passage of the bill would also provide vital support to environmental programs across the state.

We are pleased to join the Kansas Department of Health and Environment, Johnson County and the Kansas Association of Counties in encouraging passage of SB 183. We believe the partnership between public sector regulators and the private sector in favor of the bill is evidence of the bill's importance.

Thank you for your time, and please call me if I can answer any questions.

Thomas F. Coffman  
Director of Public Relations  
Deffenbaugh Industries, Inc.  
(913) 667-8708  
[tcoffman@deffenbaughinc.com](mailto:tcoffman@deffenbaughinc.com)

Ag & Natural Resources Committee  
Date 3-09-09  
Attachment 7



**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

TESTIMONY TO THE HOUSE AGRICULTURAL &  
NATURAL RESOURCES COMMITTEE  
ON SB 183

MARCH 9, 2009

Mr. Chair and Members of the Committee:

The Kansas Association of Counties appreciates the opportunity to submit written testimony in support of SB 183.

Although sponsored by Johnson County, SB 183 would benefit all Kansas counties. The new language proposed in the bill broadens the purpose and use of the fee and allows it to be used for management planning and implementation.

Planning is an important component to solid waste management, which is why Kansas law requires counties to create a solid waste management plan and review it annually. Planning is necessary by counties to determine their future needs for solid waste disposal in order to protect the public health of their citizens.

We would appreciate a favorable decision on the bill, and thank you for considering the legislation.

Melissa A. Wangemann  
General Counsel

300 SW 8th Avenue  
3rd Floor  
Topeka, KS 66603-3912  
785•272•2585  
Fax 785•272•3585

Ag & Natural Resources Committee  
Date 3-09-09  
Attachment 8