

SESSION OF 2007

**CONFERENCE COMMITTEE REPORT BRIEF
ON HOUSE BILL NO. 2526**

As Agreed to March 29, 2007

Brief*

HB 2526 would require the Secretary of Health and Environment to establish a statewide network to measure mercury deposition in the State. The network would have to consist of at least six sites where samples and related data would be collected on a weekly basis. At least two of the sites would have to be located to measure deposition of mercury that entered the state from the direction of prevailing winds.

The Secretary would be required to contract with a laboratory to analyze the samples and provide reports to the Secretary. After the samples are analyzed, data and analysis reports, including data on long term trends, would have to be provided to the public through a website and via a national database designated by the Secretary. In addition, the Secretary would be required to provide data and analyses specifically to Kansas-based research institutes and scientists for exploration of the impact of mercury on plants and people and other animals in Kansas. At the start of the 2009 Legislative Session and annually thereafter, the Secretary would be required to submit summary monitoring reports to the Governor and to the leadership of House and Senate Committees that consider issues related to utilities, natural resources, and the environment.

The bill would become effective upon publication in the *Kansas Register*.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Conference Committee Action

The Conference Committee agreed to include in the bill House-passed language requiring that at least two of the mercury measurement sites be located to enable measurement of deposition from the direction of prevailing winds. The Conference Committee also agreed to include in the bill Senate-passed language requiring data on long term mercury deposition trends to be made available to the public.

Background

The bill was introduced by the House Committee on Federal and State Affairs. Proponents of the bill at the House Energy and Utilities Committee hearing on the bill included Representatives Tom Hawk and Vaughn Flora, representatives of the Kansas Chapter of the Sierra Club and the Kansas Department of Health and Environment, and an individual from Mission Hills. Representatives of Westar Energy and Kansas City Power and Light raised questions about the efficacy of the proposed monitoring program in their testimony to the House Committee.

The House Committee amended the bill to require that at least two monitoring sites be located to measure mercury deposition entering the state from the direction of prevailing winds.

The Senate Committee on Natural Resources amended the bill to eliminate the provision requiring that at least two of the sites be in a location to measure mercury deposition in Kansas from the direction of prevailing winds. The Committee also amended the bill to require that data on long-term trends be included as information on the website and via the national database.

The Division of the Budget's fiscal note on the bill states that enactment would result in \$228,205 expenditure from the Air Quality Fee Fund. That amount would include the cost of 1.0 FTE position and equipment for three existing monitoring sites and for three new sites. Costs outlined in the fiscal note also include a contract with the laboratory that currently performs analyses for the National Atmospheric Deposition Program Network, and costs for travel, communication, and other equipment. The House Committee's amendment to the bill does not appear to materially change the estimate of fiscal impact.

Mercury Deposition Measurement

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