

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on February 15, 2001 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Kansas Legislative Research Department
 Mary Torrence, Revisor of Statute's Office
 Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Maurice Korphage, Director, Conservation Division, Kansas Corporation Commission, 130 S. Market, Rm 2078, Wichita, KS 67202
 Elizabeth Johnson, 24700 227th Street, Leavenworth, KS 66048
 Elmer Ronnebaum, Kansas Rural Water Association, PO Box 226, Seneca, KS 66538
 Gary Hanson, Kansas Rural Water Association, 2887 SW MacVicar, Topeka, KS 66611
 Gere White, Kansans for Common Sense Water Policy, PO Box 446, Garnett, Kansas 66032
 Dave Murphy, Friends of the Kaw, PO Box 328, Shawnee Mission, KS 66201
 Charles Benjamin, Sierra Club, Kansas Chapter, PO Box 2642, Lawrence, KS 66044-8642
 Clyde Graeber, Secretary, Kansas Department Health and Environment, 400 SW 8th, Ste 200, Topeka, KS 66603
 Bill Fuller, Kansas Farm Bureau, 2627 KFB Plaza, Manhattan, KS 66505-8508
 Richard Jones, Kansas Association of Conservation Districts, 522 Winn Road, Salina, KS 67401
 John Strickler, 1523 University Drive, Manhattan, KS 66502
 Ron Klataske, Executive Director, Audubon of Kansas, PO Box 156, Manhattan, KS 66502
 Steve Williams, Secretary, Kansas Wildlife and Parks, 900 SW Jackson, Ste 502, Topeka, KS 66612-1220
 Terry DeWeese, Co-Chair, Kansas Recreation and Park Association, 700 SW Jackson Street Ste 805, Topeka, KS 66603-3737

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She opened **HB2317** for discussion and possible action.

HB2317: An act concerning oil and gas; relating to pollution from certain lease facilities and conditions.

Rep. Dan Johnson made a motion the bill be passed favorably. Rep. Tom Sloan seconded the motion. Motion carried. Rep. Bill Light and Rep. Sharon Schwartz voted no. Rep. Dan Johnson will carry the bill on the House Floor.

The Chairperson opened hearing on **HB2200** .

HB2200: An act concerning oil and gas; relating to disposition of certain fees.

The Chairperson welcomed Maurice Korphage, Kansas Corporation Commission, to the committee. He testified in support of the bill and believes the monies raised through financial assurance fees should be set

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
at 3:30 p.m. on February 15, 2001.

aside to pay for potential future plugging liabilities of orphaned wells that may not be met through the current Abandoned Well/Site Remediation Fund (orphaned wells drilled after to July 1, 1996) or those plugging liabilities which are incurred by the Division by acting as a bonding agent for certain operators who are unable to secure bonding (section (d)(4) of the statute). The statutory changes embodied in this bill through amendments to KSA 55-155, KSA 55-161, KSA 55-179, and KSA 55-180, specifically earmark those fees generated from the financial assurance process into such a dedicated well plugging assurance fund and is again supported by the Commission. (See attachment 1) Questions and discussion followed.

Written only testimony in support of the bill was submitted by Robert Krehbiel, Kansas Independent Oil and Gas Association. (See attachment 2)

There were no opponents to the bill. The Chairperson closed the hearing on **HB2200**. She asked if the committee wished to make a motion.

Rep. Tom Sloan made a motion the bill be passed favorably. Rep. Sharon Schwartz seconded the motion. Motion carried. Rep. Dennis McKinney will carry the bill on the House Floor.

The Chairperson opened **HB2131** for discussion and possible action.

HB2131: An act concerning waste tires.

Mary Torrence, Revisor to Statutes, distributed copies of the Sub-Committee report and explained the changes that were made to the bill. (See attachment 3) Discussion followed.

Rep. Tom Sloan made a motion the Sub-Committee report be adopted. Rep. Clay Aurand seconded the motion. Motion carried. Questions and discussion followed.

Rep. Tom Sloan made a motion to strike on page 8, line 6, (A) "Public education regarding proper management of waste tires"(the cost of using contractors to provide) and on page 10 strike (i) (1) "Assist in disseminating information to all tire retailers on the requirements of solid waste laws and rules and regulations relating to waste tires". Motion failed for lack of a second.

Rep. Sharon Schwartz made a motion to reinsert "16% or \$200,000 which ever is less" on line 17, page 7 ; strike "18% or \$250,000" on line 19, page 7; and reinsert "after July 1, 2002", line 19, page 7. Rep. Jeff Peterson seconded the motion. Motion failed. 6 yes to 8 nos.

Rep. Tom Sloan made a motion to strike line 41, page 5, "private companies". Rep. Bruce Larkin seconded the motion. Motion failed.

Rep. Dennis McKinney made a motion the bill be passed favorably as amended. Rep. Sharon Schwartz seconded the motion. Motion carried. Rep. Bill Light will carry the bill on the House Floor.

The Chairperson opened **HB2133** for discussion and possible action.

HB2133: An act amending the multipurpose small lakes program act.

Mary Torrence, Revisor of Statutes, distributed copies of a balloon to committee members and explained changes to the bill. (See attachment 4) Discussion followed.

Rep. Tom Sloan made a motion to adopt the balloon. Rep. Dan Johnson seconded the motion. Motion carried.

Rep. Tom Sloan made a motion the bill be passed favorably as amended. Rep. Jonathan Wells seconded the motion. Motion carried. Rep. Tom Sloan will carry the bill on the House Floor.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
at 3:30 p.m. on February 15, 2001.

Chairperson Freeborn opened **HCR5009** for discussion and possible action.

HCR5009: A concurrent resolution urging the Congress of the United States to address the conservation and preservation of the High Plains Aquifer.

Chairperson Freeborn distributed copies of a balloon and explained changes that were made to the bill. (See attachment 5) Discussion followed.

Rep. Dan Johnson made a motion to adopt the balloon. Rep. Dennis McKinney seconded the motion. Motion carried.

Rep. Dennis McKinney made a motion the bill be passed as amended. Rep. Ray Merrick seconded the motion. Motion carried. Rep. Bill Light will carry the bill on the House Floor.

The Chairperson opened **HB2134** for discussion and possible action.

HB2134: An act concerning solid waste.

Mary Torrence, Revisor of Statutes, distributed copies of the Sub-Committee report, and explained changes made to the bill. (See attachment 6) Discussion followed.

Rep. Tom Sloan made a motion to adopt the Sub-Committee report. Rep. Dan Johnson seconded the motion. Motion carried.

Rep. Don Myers made a motion the bill be passed as amended. Rep. Vaughn Flora seconded the motion. Motion carried. Rep. Bill Light will carry the bill on the House Floor.

Chairperson Freeborn thanked members of the Sub-Committee on **HB2134** for their attention and hard work on the Sub-Committee report. She opened the hearing on **HB2234**:

HB2234: An act concerning rural water districts; relating to the procedure for release of lands from a district.

The Chairperson welcomed Elizabeth Johnson, Leavenworth, KS, to the committee. She presented testimony from John Zoellner, JD, AICP, Planning Director, Leavenworth County Planning Department, in opposition to the bill. (See attachment 7) He believes the bill seems to allow disagreements between the rural water district and the property owner to be settled in the courts. Due to the importance of water availability in the development process, the location, size, and capacities of rural water districts should be a function of the planning process. County Planning Commissioners and County Commissions should be involved in the process of rural water district land exchanges.

Elmer Ronnebaum, General Manager, Kansas Rural Water Association, was welcomed to the committee. He testified in support of the bill. In 2000, KRWA asked six attorneys who actively represent more than 50 rural water districts to consider the question of an appropriate remedy for any owner of land who requests to be released from a rural water district and who is not satisfied with the determination of a rural water board of directors, in other words, denied release. This bill reflects the recommendations formulated by that committee. KRWA encourages that the bill be approved, it would provide a recourse to landowners that presently does not exist; KRWA believes the District Court is best suited to hear such appeals. (See attachment 8)

Gary Hanson, Kansas Rural Water Association, was welcomed. He testified in support of the bill and believes the bill is the result of the efforts of an informal committee organized by KRWA to draft a bill to address the issue. The members of the committee concurred that this bill would provide a workable solution to the perceived problems with the current law and is preferable to **SB405**, and urges the committee to give it favorable consideration. (See attachment 9) Committee questions and discussion followed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
at 3:30 p.m. on February 15, 2001.

The Chairperson closed the hearing on **HB2234**. She asked if the committee wished to make a motion.

Rep. Bruce Larkin made a motion the bill be passed favorably as amended, page 1, line 38, change “benefits” to “benefit”. Rep. Dan Johnson seconded the motion. Motion carried. 11 yes, 2 nos. Rep. Ted Powers voted no. Rep. Sharon Schwartz will carry the bill on the House Floor.

Chairperson Freeborn opened the hearing on **HB2373**.

HB2373: An act concerning the waters of the state; relating to classified streams.

Chairperson Freeborn welcomed Gere White, Kansans for Common Sense Water Policy, to the committee. He testified in support of the bill and believes the bill provides a realistic approach to protecting the water quality in streams, lakes, and wetlands in Kansas and allows precious economic resources allocated for that protection to be targeted towards the highest priority watersheds and not towards dry and intermittent streams. The proposed bill provides a new definition for classified streams that will correct a fundamental problem within the water quality standards. (See attachment 10) Questions and discussion followed. _____

Written only testimony in support of the bill was submitted by Kansas Grain & Feed Association and the Kansas Fertilizer & Chemical Association (See attachment 11), and Kansas Farm Bureau (See attachment 12)

The Chairperson welcomed Dave Murphy, Friends of the Kaw, to the committee. He testified on behalf of the Friends of the Kaw in opposition to the bill. He believes the bill would reverse thirty years of water quality improvements in Kansas. It would put Kansas in clear violation of the Federal Clean Water Act, and it would threaten all uses of our rivers and streams. Also, he believes the bill was introduced without full knowledge or appreciation for the problems that the new rules could cause for water quality across the state. He believes it was drafted in haste and without consideration for other water users in the state. (See attachment 13)

Charles Benjamin, Sierra Club, Kansas Chapter, was welcomed. He testified in opposition to the bill and believes the bill will eliminate all protection from many important Kansas streams; eliminate protection of surface waters and aquifers for use as drinking water; eliminate protection of lakes and wetlands; eliminate any protection of aquatic life; and create an inevitable legal clash with EPA. Kansas is due for another triennial review of its water quality standards in 2002. He believes it would be better for all Kansans if the proposals contained in this legislation were considered in an open public process over several months rather than in a legislative hearing where there are time pressures to consider many different bills and issues. (See attachment 14) Questions and discussion followed.

Written only testimony in opposition to the bill was submitted by John Metzler, Johnson County Wastewater (See attachment 15) and Shelley King, Kansas Society of Professional Engineers. (See attachment 16)

The Chairperson welcomed Clyde Graeber, Secretary, Kansas Department of Health and Environment, to the committee. He addressed the committee in a neutral position to the bill. KDHE has concerns regarding certain provisions of the bill that they believe would hinder the adequate protection of the surface waters of the state. These provisions also place in jeopardy, Kansas' compliance with federal laws and regulations. He asked the committee to consider allowing the latitude, not only to KDHE but also others concerned with this legislation, to work toward the development of substitute legislation that will accomplish the intended goals and still properly protect the waters of our state. (See attachment 17) Questions and discussion followed.

The Chairperson thanked Mr. Graeber for addressing the committee and his staff for being on hand to answer questions raised by the committee.

Chairperson Freeborn closed the hearing on **HB2373** and opened the hearing on **HB2471**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
at 3:30 p.m. on February 15, 2001.

HB2471: An act creating the Kansas natural resource legacy alliance; providing for development of a vision for the state's natural resources.

The Chairperson welcomed Bill Fuller, Kansas Farm Bureau, to the committee. He testified in support of the bill and believes the bill proposes to create the "Kansas Natural Resource Legacy Alliance" charged with developing a vision and proposing recommendations for protecting and enhancing the state's natural resources. A Working Group organized to develop a quality of life initiative related to natural resources, the environment and economic development was formed and has been working several months examining needs, programs and resources. The core group has consisted of representatives of private organizations and state agencies. The bill proposes to create a 13-member alliance appointed by the legislative leadership and the governor. (See attachment 18)

Richard Jones, Kansas Association of Conservation Districts, was welcomed. He testified in support of the bill. The 105 Conservation Districts in Kansas are at work locally everyday protecting and improving the state's natural resources. They set goals and establish local priorities directed at improving resources at their local level. A Kansas Natural Resources Legacy Alliance with membership from natural resources, environmental, and industrial organizations and groups working together to develop a long range plan and policy for our state's natural resources will provide Conservation Districts a better opportunity to; Set priorities at the local level that fit into a State Long Range Plan; Direct local natural resource programs to meet the objectives identified in a Long Range Plan; and Inform and Educate local citizens on the importance of protecting local resources. (See attachment 19)

John Strickler, Manhattan, Kansas, was welcomed to the committee. He testified in support of the bill, he did not represent any specific organization, but has been involved with a core group of individuals and organizations interested in the areas of natural resources and the environment in Kansas. The Alliance created by this bill will be an attempt to take a pro-active look at these areas and develop a long range plan to identify and address future environmental and natural resource priorities and needs. The Alliance will also be an opportunity to explore the options to develop and expand public/private partnerships to achieve the desired future within the context of balanced economic development, a healthy environment, and sustainable natural resources. (See attachment 20)

Ron Klataske, Executive Director, Audubon of Kansas, was welcomed. He testified on behalf of Audubon of Kansas, which represents 5,000 members of eleven chapters and their statewide organization in Kansas. Audubon members, like most residents, enjoy the wildlife and other natural resources of the state. Hunting, wildlife watching, fishing and other forms of outdoor recreation and nature appreciation are of great importance to the quality of life of Kansans and to the State of Kansas. He believes the bill is very well written and offered one important addition to the language of the bill. Following the phrase fish and wildlife resources on line 19 of page 2, please add "prairie and grasslands resources". (See attachment 21)

Steve Williams, Secretary of Wildlife and Parks, was welcomed to the committee. He testified in support of the bill. On behalf of the six state agencies (Department of Health and Environment, Department of Agriculture, Kansas Water Office, Kansas Forest Service, State Conservation Commission and Department of Wildlife and Parks) that have worked with private partners to develop the concept and draft this bill, wants to applaud this committee for considering, and indicates a strong support for the bill. This bill is an act that establishes a Kansas Natural Resource Legacy Alliance to develop a vision for the state's natural resources. He believes this bill represents an unprecedented effort and opportunity to draw on the collective wisdom and vision of the Governor, the Kansas legislature, state agencies, private organizations, and private individuals to build the foundation for future natural resource management in Kansas. (See attachment 22)

Terry DeWeese, Co-Chair, Kansas Recreation and Park Association, was welcomed. He testified in support of the bill. The Kansas Recreation and Park Association has been involved with a Working Group made up of private organizations and state agencies to develop a quality of life initiative related to natural resources, the environment and economic development that was formed to examine the needs, programs and resources across the State of Kansas. This bill requests that the Kansas Natural Resource Legacy Alliance made up of

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
at 3:30 p.m. on February 15, 2001.

13 voting members and 6 ex-officio members be created. (See attachment 23) Questions and discussion followed.

There were no opponents to the bill. The Chairperson closed the hearing on **HB2471**. She asked if the committee wished to make a motion.

Rep. Laura McClure made a motion to change page 2, line 2, replace “decent economic standard” with “economic development”, line 3, add “protection of natural resources” & “opportunities for natural resource and environmental education”, line 19, add “prairie and grassland resources”, line 36, replace “committee” with “alliance”. Rep. Dan Johnson seconded the motion. Motion carried.

Rep. Dan Johnson made a motion the bill be passed as amended. Rep. Laura McClure seconded the motion. Motion carried. Rep. Joann Freeborn will carry the bill on the House Floor.

Chairperson Freeborn reviewed the committee agenda for Tuesday, February 20.

The meeting adjourned at 7:25 p.m. The next meeting is scheduled for Tuesday, February 20, 2001.