

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE.

The meeting was called to order by Chairman Robert Tyson at 8:38 a.m. on March 21, 2002 in Room 423-S of the Capitol.

All members were present except: Senator Lana Oleen - 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:

Gary Blackburn, Director, Bureau of Environmental Remediation  
Doug Warehem, Kansas Agribusiness Retailers Association  
Tom Bruno, Williams Companies

Others attending: See attached list

Chairman Tyson opened the hearing on **HB 2830**.

**Briefing on HB 2830**

This bill would establish a process where owners of environmentally contaminated property could apply to the Kansas Department of Health and Environment for approval of an "environmental use control" to prohibit or restrict use of properties that are contaminated or that have been or currently are subject to environmental remediation activities. The bill would also establish that any environmental use control created pursuant to the bill would run with the property and is binding on the owner and subsequent owners, lessees, and other users of the land. The bill would require that environmental use control orders be filed in the office of the county register of deeds in the county where the property is located and would require applicants to pay an initial nonrefundable fee of \$1,000. Additional fees could be assessed if the initial fee was not adequate to cover the cost of agency oversight. The bill would authorize KDHE to grant an environmental use control in perpetuity, or for a specified period. The bill would create the Environmental Use Control Fund. The bill would also require KDHE to develop and maintain an environmental use control tracking system.

**Testimony on HB 2830**

The first conferee and proponent was Gary Blackburn (Director, Bureau of Environmental Remediation). He testified that this bill provides an additional method of resolving the environmental risks posed by contaminated sites in Kansas and assurance that voluntary restrictions placed on properties will be periodically visited and maintained. (Attachment 1). Questions and discussion followed.

The second conferee and proponent was Doug Warehem (Kansas Agribusiness Retailers Association). He testified that there are concerns and questions about some of the components of the bill; i.e. the fee structure, the financial assurance requirement, and how someone would get a restriction removed from the title. As these issues warrant more study, he would suggest that this bill be considered for interim study. (Attachment 2).

Tom Bruno made a brief comment on behalf of Williams Companies that although there was no objection to the concept of **HB 2830**, the bill needed further study.

Chairman Tyson closed the hearing on **HB 2830**.

**Discussion and action on HB 2830—Concerning environmental contamination of real property**

The committee decided to request that **HB 2830** be assigned to an interim committee.

The meeting adjourned at 9:31 a.m.

The next meeting is scheduled for March 22 at 8:30 a.m.