

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.