

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 A.M. on March 11, 2005 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Emalene Correll, Kansas Legislative Research Department
Lisa Montgomery, Kansas Revisor of Statutes
Gina Poertner, Committee Secretary

Conferees appearing before the committee:

Bill Bider, Director, Bureau of Waste Management
Wendy Harms, Associate Director, Kansas Aggregate Producer's Association
M. S. Mitchell, Legislative Chairman, Kansas Building Industry Association
Steve Swaffar, Director of Natural Resources, Kansas Farm Bureau
Dennis Schwartz, Kansas Water Authority

Others attending:

See attached list.

Emalene Correll briefed the Committee on HB 2052.

Bill Bider was recognized to present testimony in support of the bill (Attachment 1). Mr. Bider stated that this bill was introduced to provide flexibility in the management of contaminated soil.

The Chairman asked if there were any questions for Mr. Bider. Seeing none, Senator Teichman made a motion to pass the bill out of Committee. This was seconded by Senator Francisco and the motion was approved by voice vote.

Senator McGinn asked Mrs. Correll to brief the Committee on HB 2014. This bill creates the statute under which the Kansas Water Authority (KWA) operates.

Wendy Harms of the Kansas Aggregate Producer's Association presented testimony in support of the bill (Attachment 2).

Senator Lee asked for an example in which an ex officio member's motion interfered with the work of the KWA. Woody Moses of the KAPA stated that there was an instance in western Kansas regarding water planning.

Senator Francisco asked if the committee of the whole would be considered another committee. Mrs. Correll stated that it would not.

M. S. Mitchell of the Kansas Building Industry Association was then recognized (Attachment 3). He presented testimony in favor of the bill.

Senator Lee asked the same question of Mr. Mitchell, requesting an example of interference. Mr. Mitchell stated he had no specific instances, he simply did not agree with the practice of allowing ex officio members to make motions and vote.

Senator McGinn then introduced Steve Swaffar of Kansas Farm Bureau to testify (Attachment 4). During his testimony in support of the bill, he cited an instance where a KWA director made a motion.

Senator Lee asked if the director voted. Mr. Swaffar stated the director did not vote, however, the motion forced a vote from the committee.

Senator Francisco asked if it is appropriate for ex officio members to make suggestions to members during or outside of a meeting. Mr. Swaffar related that they have that ability anyway. This bill will not control that aspect, but it will limit action in committee.

CONTINUATION SHEET

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Senator Teichman asked for clarification on how long KWA has been using this practice. Mr. Swaffar stated it has been going on since the KWA's inception. Senator Teichman asked if it is only due to the latest problem that prompted this request for change, to which Mr. Swaffar replied that, in his opinion, legislative intent is that ex officio members serve in an advisory capacity only. She then asked if one incident should cause this change, going further to ask if an ex officio member would have an incentive to attend these meetings if they were not allowed to make motions. Mr. Swaffar stated that they should still want to attend committee meetings and give their presentations. Senator Teichman then asked why the KWA was not included in the total process and why ex officio members were not made full members. Mr. Swaffar stated that they are to serve as advisors, but that they could be made full members.

Dennis Schwartz of the Kansas Water Authority was then introduced to oppose the bill (Attachment 5).

Senator Bruce asked if the KWA took a vote on its position on this bill. Mr. Schwartz stated it did in January. Mr. Schwartz stated that as a part of the deliberations as the position on this bill, the KWA researched the minutes and found only a small number of ex officio motions.

Senator McGinn asked for further questions. Seeing none, the meeting was adjourned at 9:10 a.m.