

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on March 1, 2001 in Room 231-N of the Capitol.

All members were present except:      Representative Ted Powers - excused  
    Representative Jonathan Wells - excused  
    Representative Jeff Peterson - excused  
    Representative Clay Aurand - excused

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

Conferees appearing before the committee:      Chad Luce, Public Information Officer, Kansas Department  
   Wildlife and Parks, 900 SW Jackson, Suite 502, Topeka, KS  
   66612-1233  
   Clint Riley, Attorney, Kansas Department Wildlife and Parks,  
   900 SW Jackson, Suite 502, Topeka, KS 66612-1233  
   Greg Krissek, Director of Operations, Kansas Corn Growers  
   Association, PO Box 446, Garnett, KS 66032-0446  
   Bill Fuller, Associate Director, Public Policy Division, Kansas  
   Farm Bureau, 2627 KFB Plaza, Manhattan, KS 66505-8508  
   Tom Palace, Executive Director, Petroleum Marketers &  
   Convenience Store Association, 201 NW Hwy 24, Suite 320,  
   Topeka, KS 66608-0479  
   Ken Peterson, Executive Director, Kansas Petroleum Council,  
   800 SW Jackson, Topeka, KS 66612-1224  
   Gary Blackburn, Director, Bureau of Environmental  
   Remediation, Division of Environment, KDHE, Forbes Field  
   740, Topeka, KS 66620-0001

Others attending:              See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She asked if there was a motion to approve committee minutes for January 23, 25, and 30, which had been distributed to committee members on Friday, February 23, for review.

Rep. Tom Sloan made a motion the minutes for January 23, 25, and 30, be approved. Rep. Becky Hutchins seconded the motion. Motion carried.

The Chairperson opened hearing on **SB148**.

**SB148:**              **An act concerning fishing licenses.**

Chad Luce, Public Information Officer, KS Department of Wildlife and Parks was welcomed to the committee. He testified as a proponent to the bill, which he believes is a "clean-up" bill from legislation passed during the 2000 Legislative Session. The Department believes it is highly important to approve this legislation before large numbers of nonresidents begin visiting the state during fishing season and asks that one amendment be made to the bill, to specify that it would be effective upon publication in the Kansas Register. By doing so, the Department believes the bill would restore the original intent of the 2000 Legislature. (See attachment 1) Questions and discussion followed.

There were no opponents to the bill. The Chairperson closed the hearing on **SB148**. She asked if the committee wished to take action on the bill..

Rep. Becky Hutchins made a motion the bill be passed favorably and placed on the Consent Calendar. Rep. Dan

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol at 3:30 p.m. on March 1, 2001.

Johnson seconded the motion. Motion carried.

The Chairperson opened hearing on **SB87**.

**SB87: An act concerning furharvesting.**

Chairperson Freeborn welcomed Clint Riley, Department Attorney, KS Department of Wildlife and Parks to the committee. He testified as a proponent to the bill and believes this bill would amend current furharvester license requirements so that a person may attest to possession of a valid furharvester education certificate at the time of purchase of a furharvester license. Any person born after July 1, 1966 is required to complete furharvester education in order to furharvest in this state. An Attorney General's Opinion released in January 2000 addressed language in the hunter education requirement similar to the current furharvester law, and stated that the law would require the hunting license buyer to physically produce the actual hunter education certificate at the time of purchase of a hunting license. This bill would make furharvesting law consistent with the hunter education law as approved by the Legislature during the 2000 Session. (See attachment 2) Questions and discussion followed.

There were no opponents to the bill. The Chairperson closed the hearing on **SB87**. She asked if committee members wished to take action on the bill.

Rep. Dan Johnson made a motion the bill be passed favorably and placed on the Consent Calendar. Rep. Sharon Schwartz seconded the motion. Motion carried.

The Chairperson opened hearing on **SB86**.

**SB86: An act concerning wildlife and parks; relating to certain late payment fees.**

Chairperson Freeborn welcomed Clint Riley, Department Attorney, KS Department of Wildlife and Parks, to the committee. He testified in support of the bill, which would increase the late payment fee for state park permits from \$5 to \$15. By increasing the late payment fee to \$15, the Department hopes that the fee serves as a more effective deterrence, and park users would obtain the required park permits without being cited for a violation. In addition, the higher fee may help ensure that, in the worst case scenario, real threat of prosecution would exist. (See attachment 3) Questions and discussion followed.

The Chairperson closed the hearing on **SB86**. She asked if the committee wished to take action on the bill..

Rep. Don Myers made a motion the bill be passed favorably. Rep. Dan Johnson seconded the motion. Motion carried. Rep. Don Myers will carry the bill on the House Floor.

The Chairperson opened hearing on **SB37**.

**SB37: An act prohibiting sales of certain motor-vehicle fuel and providing penalties for violations.**

Written only testimony in support of the bill was submitted by Jamie Clover-Adams, Secretary of Kansas Department of Agriculture. (See attachment 4)

Greg Krissek, Director of Operations, KS Corn Growers Association, was welcomed to the committee. He submitted testimony in support of the bill, which would eliminate the use of MTBE in Kansas. The US Geological Survey reports that MTBE has been detected in 27 percent of urban wells nationwide. MTBE is now the second most commonly found chemical in groundwater, behind only chloroform. Leaking underground storage tanks, spills at the land surface, urban runoff, and motor water craft are sources of MTBE water contamination. MTBEs main competition in the oxygenate market, ethanol, is a domestically produced, renewable resource made from corn, grain sorghum and other agricultural feedstocks. It provides the clean air benefits of oxygen, without the negative environmental and health effects of petroleum-based MTBE. Replacing MTBE with ethanol is good for farmers, good for consumers, good for the environment and good for Kansas. (See attachment 5)

## CONTINUATION SHEET

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Bill Fuller, Associate Director, Public Policy Division, Kansas Farm Bureau, was welcomed to the committee. He testified in support of the bill on behalf Kansas Farm Bureau. Their support of this bill is based on the commitment of their farm and ranch members to protect water quality and the desire of grain producers to increase the utilization of ethanol. KFB believes this bill would achieve the desirable goals of protecting water quality, increasing net farm income and strengthening the Kansas economy. (See attachment 6)

Tom Palace, Executive Director, Petroleum Marketers and Convenience Store Association, was welcomed. He testified in support of the bill on behalf PMCA and has a number of concerns with the bill; penalties; economic impact; and quality and quantity testing. (See attachment 7) Mr. Palace is concerned that in section (H) of the bill, the state may need to obtain a waiver from the EPA before the state can ban MTBE. An amendment to the bill was submitted that would relieve the petroleum marketer and retailers of liability from the penalties of this bill. Liability should be placed on the companies that manufacture and supply the product because petroleum distributors and retail fueling sites sell only what is given to them with no control as to whether or not that product contains MTBE. (See attachment 8)

Ken Peterson, Executive Director, Kansas Petroleum Council, was welcomed to the committee. He testified in a neutral position to the bill on behalf KPC. KPC is a trade association that represents several refiners who supply motor fuel to all parts of the state. Members include Phillips, Conoco, BP (Amaco), and Texaco. He stated that Senator Dave Corbin, sponsor of the bill, asked the Senate Natural Resources Committee to strike the pump labeling requirements (d) during markup, which he feels are unneeded and expensive. An EPA waiver is necessary for Kansas to enact an MTBE ban. An EPA waiver is not unprecedented in Kansas. KDHE is seeking one from the EPA to allow the introduction of a cleaner burning fuel in the Kansas City area, a fuel that was supported by KPC refining members as a way of helping the metropolitan area maintain air quality standards. (See attachment 9) Questions and discussion followed.

The Chairperson recognized Jan Sides, Director, Air and Radiation Bureau, KDHE, in attendance. He made comments concerning the EPA waiver. He stated that from information he received from EPA, if Kansas bans MTBE, EPA doesn't know, at this time, if they would take action. EPA has the jurisdiction over the Clean Water Act. The Kansas Department of Health and Environment has taken a neutral position on this issue.

There were no opponents to the bill. The Chairperson closed the hearing on **SB37** and appointed a sub-committee to do further study; Rep. Don Myers, Chairman; Rep. Ray Merrick; and Rep. Bruce Larkin. She suggested they report back to the full committee on March 6 or March 8.

The Chairperson welcomed Gary Blackburn, Director, Bureau of Environmental Remediation, KDHE. In reference to **SB183**, (extending the sunset on the aboveground fund and underground fund to July 1, 2014), he provided an overview of the Storage Tank reimbursement funds. The federal Environmental Protection Agency passed regulations affecting underground storage tanks (USTs) in December of 1988 which included the requirement for owners and operators of underground tanks to obtain pollution liability insurance. The Kansas Storage Tank Act created the reimbursement fund for underground tanks to satisfy that requirement. The provisions for the third party insurance coverage were assigned to a program within the Insurance Department. The act was amended in 1992 to include a reimbursement fund for aboveground tanks. In addition to satisfying insurance requirements the funds provide real financial relief to tank owners for the cost of corrective action at their sites. The funds reimburse applicants for approved costs of remedial action after payment of the appropriate deductible. Since the inception of the funds, owners of about 1900 sites have participated in the underground and aboveground funds with an average of 9 new sites being added each month. (See attachment 10) Copies of the Annual Report of UST Fund Activities to the Legislature During Fiscal Year 2000 (See attachment 11) and the Annual Report of UST Fund Activities to the Legislature During Fiscal Year 2000, (See attachment 12) were distributed to committee members. Questions and discussion followed.

Chairperson Freeborn thanked Mr. Blackburn for his presentation. She reviewed the committee agenda for next week, March 6 and March 8. She announced she will be adding **SB237** to the agenda for March 6. The meeting adjourned at 4:45 p.m. The next meeting is scheduled for Tuesday, March 6, 2001.