

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on February 17, 2000 in Room 231-N of the Capitol.

All members were present except: Rep. Douglas Johnston - excused

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: Richard Chartier, Cloud County Commissioner, 811 Washington, Concordia, KS 66901
Jack Bruner, Marion County Commissioner, Marion County Courthouse, 200 S. 3rd, Marion, KS 66861
Kim Gulley, League of Kansas Municipalities, 300 SW 8th Avenue, Topeka, KS 66603-3912
Margaret Fast, Unit Manager, Kansas Water Office, 901 S. Kansas, Topeka, KS 66612-1249
Representative Joann Freeborn, District 107

Others attending: See Attached Sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She opened **HB2144** for discussion and possible action. The bill was heard in this committee in February 1999. There were enough unanswered questions that it was not worked at that time.

HB2144: An act amending the multipurpose small lakes program act.

The Chairperson recognized Rep. Tom Sloan, he distributed copies of a **Proposed Substitute for HB2144** and explained two changes to the bill.

Page 2 (2) renovation or reconstruction of an existing dam or lake to provide the following: (A) Increased or restoration of flood control storage; or (B) increased or restoration of public water supply storage.

Page 1 Section 1 (c) The Kansas water office shall adopt all rules and regulations governing recovery of the state's costs incurred in providing public water supply storage in multipurpose small lake projects.

David Pope, Chief Engineer, Water Resources Program, KS Department of Agriculture, was in attendance to answer committee questions.

Rep. Tom Sloan made a motion to adopt **Proposed Substitute for HB2144**. Rep. Vaughn Flora seconded the motion. Motion carried.

Rep. Tom Sloan made a motion **Proposed Substitute for HB2144** be recommended favorable for passage. Rep. Becky Hutchins seconded the motion. Motion carried.

The Chairperson opened **HB2861** for discussion or possible action.

HB2861 An act concerning waste tires.

Rep. Ted Powers made a motion **HB2861** be recommended favorable for passage. Rep. Vaughn Flora seconded the motion. Motion carried.

The Chairperson opened **HB2976** for discussion and possible action.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
at 3:30 p.m. on February 17, 2000.

HB2976: An act concerning wildlife; relating to penalty for taking trophy big game.

Rep. Ted Powers made a motion **HB2976** be recommended favorable for passage. Motion withdrawn.

Rep. Sharon Schwartz made a motion to change line 26 to include from 18" to 16" and change language on line 30, change "that" to "than". Rep. Laura McClure seconded the motion. Motion carried.

Rep. Ted Powers made a motion **HB2976** be recommended favorable for passage as amended. Rep. Sharon Schwartz seconded the motion. Motion carried.

The Chairperson opened **HB2975** for discussion or possible action.

HB2975: An act concerning wildlife; relating to hunting on land by permission only.

Mary Torrence, Revisor of Statutes, explained two changes to the bill.

Change language on line 20 "in addition to" or "in lieu of"posting of the signs. Language should be stricken on line 25, all after "marks" and on line 26, all before "shall".

Rep. Sharon Schwartz made a motion to amend the bill as recommended. Rep. Laura McClure seconded the motion. Motion carried.

Rep. Sharon Schwartz made a motion **HB2975** be recommended favorable for passage as amended. Rep. Becky Hutchins seconded the motion. Motion carried. Rep. Henry Helgerson voted no.

The Chairperson opened **HB2860** for discussion and possible action.

HB2860: An act concerning solid waste.

Written testimony was distributed from Michael L. Cain, Department of the Army, US Army Environmental Center, Central Regional Environmental Office, Kansas City, MO, in support of the bill. (See attachment 1)

Mary Torrence, Revisor of Statutes, distributed a balloon to the bill and explained the changes. (See attachment 2)

Bill Bider, Bureau of Waste Management, Kansas Department of Health and Environment was in attendance to answer committee questions.

Rep. Clay Aurand made a motion to adopt the balloon. Rep. Gerry Ray seconded the motion. Motion carried.

Rep. Tom Sloan made a motion to adopt language recommended by the Revisor, and change page 5 line 28 "will hold hearings to establish the need for the department to undertake necessary action". Rep. Clay Aurand seconded the motion. Motion carried.

Rep. Laura McClure made a motion to change page 4, section 12, lines 40 through 43. Motion withdrawn.

Rep. Laura McClure made a motion to put \$10,000 cap per site and require the county to pay 25% of the cost under sub sec. 12, beginning on line 40, page 4. Rep. Tom Sloan seconded the motion. Motion carried.

Rep. Tom Sloan made a motion **HB2860** be recommended favorable for passage as amended. Rep. Dan Johnson seconded the motion. Motion carried.

The Chairperson announced Rep. Clay Aurand will carry **HB2975** on the House floor; Rep. Sharon Schwartz will carry **HB2976**; Rep. Ted Powers will carry **HB2860**; Rep. Dan Johnson will carry **HB2861**; Rep. Tom Sloan will carry **HB2144**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 231-N of the Capitol
at 3:30 p.m. on February 17, 2000.

Chairperson Freeborn opened public hearing on **HB2831**.

HB2831: **An act concerning solid waste; relating to fees and charges for the collection and disposal thereof.**

The Chairperson welcomed Richard Chartier, Cloud County Commissioner, to the committee. He appeared in support of the bill, representing the Cloud County Commission. They are requesting a change in the current statute to allow, but not require, the imposition of an administrative fee in an amount not to exceed \$25 for each solid waste account unpaid for a period of 60 days or more after the date on which such fees were billed. He urged the members of the committee to give favorable consideration to this proposed legislation. (See attachment 3)

Jack Bruner, Marion County Commissioner, was welcomed to the committee. He appeared in support of the bill on behalf of the Marion County Board of County Commissioners and requests the committee's consideration of an amendment to the bill. They believe it will correct an unintended consequence of a law passed in 1992 which removed the authority of cities and counties to use the Solid and Hazardous Waste Act to impose fees to fund recycling programs and services. He explained how the problem with the Solid and Hazardous Waste Act came to their attention. He also provided a copy of the proposed amendment for review. (See attachment 4)

Kim Gulley, League of Kansas Municipalities, was welcomed. She appeared in support of the bill on behalf of the League. They believe this bill authorizes cities and counties that collect and dispose of solid waste to impose an administrative fee of up to \$25 for unpaid bills. Cities have expressed frustration at the difficulty of collecting delinquent payments on bills due and owing to the city. The ability to impose an administrative fee on bills which remain unpaid for at least 60 days would create an incentive for individuals to pay their bills on time and provide the local government with an additional tool in attempting to collect such payments. (See attachment 5) Questions and discussion followed.

There were no opponents to the bill. The Chairperson closed the hearing on **HB2831**. She opened public hearing on **HB2898**.

HB2898: **An act concerning the Kansas water authority; relating to establishment of basin advisory committees; prescribing qualifications of members and manner of operation.**

The Chairperson welcomed Kim Gulley, League of Kansas Municipalities, back to the committee. She appeared as a proponent to the bill on behalf of the League. They appreciate the introduction of this bill and the opportunity for a hearing on this issue. Increased municipal participation in the Basin Advisory Committees (BACs) is one of the 2000 Legislative Priorities as established through the League policy process. These priorities were presented to their Governing Body and approved by the Convention of Voting Delegates at their Annual Conference in October. They believe that the passage of this bill is the first step in the achievement of this priority. Their interest in the passage of this bill is twofold: (1) Establishment of the BACs in statute; and (2) Dedication of one position on each BAC to be filled by a city official or employee. They believe that this bill is the first step in the achievement of one of their 2000 Legislative Priorities and the second step in that process is to educate their members on the importance of participation in the water planning process and specifically, the BACs. (See attachment 6)

Margaret Fast, Kansas Water Office, was welcomed to the committee. She appeared in a neutral position to the bill. The Kansas Water Office supports the intent of the bill and agrees that the basin advisory committees are an integral part of the state's water planning process. The voluntary participation of these men and women, without compensation, has ensured public participation in the development and implementation of the State Water Plan. This bill would codify, with some changes, the current internal policies of the Kansas Water Authority concerning the basin advisory committees. Although the Water Office is supportive of the bill's intent, question the need to recognize the basin advisory committees in the statutes. The Kansas Water Office, and the Kansas Water Authority, have a long and positive history with the basin advisory committees. Current law gives the Kansas Water Authority the ability to make changes in the basin advisory committees as necessary; they are opposed to limiting this flexibility. (See attachment 7)

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Mary Torrence, Revisor of Statutes, distributed a balloon to the bill and explained the changes. See attachment 8) Questions and discussion followed.

Chairperson Freeborn closed the hearing on **HB2898**. She opened public hearing on **HB2985**.

HB2985: An act relating to appropriation of water for use in another state.

The Chairperson presented testimony in support of the bill from Rep. Carl Holmes, who could not be present to testify. He requested the bill after an attempt was made to transport groundwater from his district to Oklahoma to circumvent Oklahoma law regarding a hog farm location. Oklahoma turned down the farms water application due to the distance from a recreation area. The company then had an employee apply for a Kansas water right and the application indicated the water would be transported by pipeline to Oklahoma to circumvent the Oklahoma law. He made a request of Kansas Department of Agriculture attorneys for denial of the application and they said they would not support denial even if the water was being used for an illegal purpose in another state by that states law. They said Kansas law required granting the permit, providing it met Kansas regulations, even if its purpose was to circumvent another states statutes and/or court orders. He then was in contact with Oklahoma legislators and the Oklahoma Attorney General's office as to what action they would take if Kansas granted the water right. They indicated they would sue Kansas in Federal court if Kansas granted the water right. The company dropped support for the application after it created a public relations nightmare. The employee did not respond to an additional information request by the Division of Water Resources and application is now dropped for lack of requested information. As a result of the actions of attorneys of the Department of Agriculture, he started working on a bill draft to correct the problem. The bill is designed to prevent the transfer of water to another state if statutes and common law of the importing state were violated for an illegal use or purpose and is designed to allow the transfer of water to another state if the water use is a legal use or if the importing state lacked available water and the water use is a legal use. (See attachment 9)

David Pope, Chief Engineer, Water Resources Program, KS Department of Agriculture, was in attendance to answer committee questions and stated he has no objections to the bill. Discussion and questions followed.

Rep. Tom Sloan made a motion **HB2985** be recommended favorable for passage. Rep. Dan Johnson seconded the motion. Motion carried. Rep. Carl Holmes will carry the bill on the House floor.

The Chairperson thanked all conferees and guests for their participation and attention.

The meeting adjourned at 5:40 p.m. The next meeting is scheduled for February 22, 2000.