

MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on March 13, 2008 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Emalene Correll, Kansas Legislative Research Department
Jason Thompson, Revisor of Statutes
Matt Todd, Revisor of Statutes
Adrienne Halpin, Committee Assistant

Conferees appearing before the committee:

Chris Tymeson, Department of Wildlife and Parks
Representative Ann Mah
Representative Lee Tafaelli
Senator Roger Pine
Kirk Keberlein
Susan Duffy, Kansas Corporation Commission
Karl McNorton, State Fire Marshal

Others attending:

See attached list.

Chair McGinn commenced the meeting by opening the hearing on **HB 2657**, limitations on motorboat exhaust noise.

Emalene Correll, Department of Legislative Research, gave a brief introduction of the bill stating that it amends an existing statute, K.S.A. 2007 Supp. 32-1120, which requires mufflers for vessels propelled by machinery. The bill changes the restricted noise level for such vessels from 86 to 92 decibels measured by a stationary sound level test.

Representative Lee Tafaelli testified in support of **HB 2657** stating that the bill was a compromise of legislation from 2006 which prescribed 86 decibels as the maximum allowable sound level. The present bill also removes references to exhaust systems because of concern regarding factory equipment for boats. Lastly, he stated, the bill allows individuals sixty days in which to make the needed modifications if their craft fails to meet the standard of compliance. Representative Tafaelli stood for questions.

Senator Pine testified next in support of the bill stating that the present bill is a compromise of two groups and was found acceptable by both.

Representative Ann Mah testified in support of the bill (Attachment 1) stating that, after running a soft test of the mandates set forth in **SB 417** (2006), the requirement of 86 decibels was found to be too low and caused parties to leave Kansas waters altogether. (See Attachment 2, the written testimony of David Farrington.) Representative Mah also referenced the change from two sound level tests to one stating that the pass-by test is potentially dangerous whereas the stationary test is both safe and effective. Representative Mah stood for questions.

Chris Tymeson, Chief Legal Council, Department of Wildlife and Parks, stood to respond to the Committee's questions (Attachment 3).

Lastly, Kirk Keberlein testified in support of the bill (Attachment 4). Mr. Keberlein performed background research for the bill including engine models, other states' sound restrictions, and the possible expenses of muffler modifications. Mr. Keberlein reiterated the danger in the pass-by, open throttle test and stated that the stationary test is efficient enough to render the former unnecessary. He also stated that provisions had been made in the bill to accommodate louder sound levels at boat races and regattas.

Chair McGinn stated that the Committee would address the bill at the next meeting. Chair McGinn

CONTINUATION SHEET

MINUTES OF THE Senate Natural Resources Committee at 8:30 a.m. on March 13, 2008 in Room 423-S of the Capitol.

closed the hearing on **HB 2657** and opened the hearing on **HB 2735**, transfers to abandoned oil and gas well fund, sunset provision.

Susan Duffy, Executive Director of the Kansas Corporation Commission (KCC) testified in support of **HB 2735** (Attachment 5) stating that it extends the sunset of the abandoned well and remediation program from 2009 to 2016. This would be the second extension of the program, which addresses the problem of plugging abandoned wells in the state. The KCC identifies approximately four to five hundred abandoned wells per year, and addresses them by a system of priority classification. Ms. Duffy stood for questions.

Senator Ostmeyer made a motion to pass the bill out of Committee favorably, seconded by Senator Taddiken. The motion carried.

Chair McGinn opened the hearing on **SB 676**, non-fuel flammable or combustible liquid aboveground storage tanks; duties of state fire marshal; civil penalties; non-fuel flammable or combustible liquid aboveground storage tank system fund. Chair McGinn stated that, following the update the Committee had received on Jan. 17, 2008, on the Barton Solvents incident, it became apparent that storage rules and regulations needed to be re-evaluated.

Jason Thompson, Revisor of Statutes, introduced **SB 676** to the Committee explaining that the bill is aimed specifically at regulating a narrow category of facilities and storage systems. Points in the bill include: (1.) inspection mandates of such facilities by the State Fire Marshal every three years, (2.) facility compliance with federal standards and codes for aboveground storage tanks, (3.) a fund into which fees from noncompliance may be placed, and (4.) requirements for the State Fire Marshal to report back yearly to the Legislature.

Karl McNorton, Kansas State Fire Marshal, testified in support of the bill (Attachment 6) stating that the Fire Marshal has recommended amendments to the bill to aid in activity management including: (1.) specifications for applications, (2.) a twenty day deadline for the Fire Marshal's response to an application, and (3.) the adoption of the National Fire Protection Association's standard no. 30.

Gary Blackburn, Director, Kansas Department of Health and Environment, Bureau of Environmental Remediation, stated that there is not as yet a database designed to identify all possible sites which would fall under the regulations outlined in **SB 676** though KDHE is working with the Fire Marshal toward that end.

Chair McGinn stated that the Committee would address this issue at a subsequent meeting.

The meeting adjourned at 9:30.