

## MINUTES OF THE HOUSE WATER COMMITTEE

The meeting was called to order by Chairperson Ron Highland at 9:00 am on Thursday, January 28, 2021, in room 152-S of the Capitol.

All members were present

Committee staff present:

Chris Waggoner, Office of Revisor of Statutes  
Damien Gilbert, Committee Assistant  
Meredith Fry, Legislative Research Department  
Victoria Potts, Legislative Research Department  
Zach Fridell, Office of Revisor of Statutes

Conferees appearing before the Committee:

Andy Lyon - Executive Director, Division of Conservation at the Kansas Department of Agriculture  
Doug Jorgensen - State Fire Marshal

Others in attendance:

No list available

### **Request for bill introductions**

Chairperson Highland made a call for bill introductions. Hearing none, he moved to the next order of business.

### **Presentation on: Division of Conservation, Kansas Department of Agriculture**

Andy Lyon, Executive Director of the Division of Conservation at the Kansas Department of Agriculture, presented before the committee ([Attachment 1](#)). He explained the work and processes that the Division uses to achieve its goals of protecting federal reservoirs and other public water supplies from pollutants and siltation, reducing flood damage, reducing pollutants to achieve the Water Quality Standards and meet TMDLs, improving the health of stream riparian areas, improving soil health and reducing soil erosion, improving habitat, and reducing the consumptive use of groundwater supplies. He also discussed the structure of the organization and its budget.

Lyon then fielded questions from the committee, including who decides the Division of Conservation's programs, what Lyon himself wanted to change about the department, what's being done to address blue-green algae, what the newest watershed dam that has been constructed is, and whether there was programming to promote water conservation.

### **Hearing on: HB2005 — Excluding hot water supply boilers that have a nominal water capacity not exceeding 120 gallons from the provisions of the boiler safety act.**

---

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES of the Committee on Water at 9:00 am on Thursday, January 28, 2021, in room 152-S of the Capitol.

---

Chairperson Highland opened the hearing on **HB 2005** and turned control over to Vice Chair Orr so that he could testify for the bill.

Kyle Hamilton, Revisor, provided an overview of **HB 2005** and the statutes that it affects ([Attachment 2](#)). HB 2005 would exclude hot water supply boilers that have a nominal water capacity not exceeding 120 gallons from the provisions of the boiler safety act. It would have a small fiscal effect due to decreased inspection fee revenue. ([Attachment 3](#))

PROPONENT

Rep. Ron Highland appeared before the committee in support of **HB 2005** ([Attachment 4](#)). He said his constituent, who is a motel owner in Wamego, asked for this because the Fire Marshal's office was treating his 95-gallon water heater as a boiler, and wanted him to make many expensive adjustments to provide for required safety measures. This is because a water heater qualifies as a boiler if it is above the 85-gallon limit set in the Kansas Boiler Safety Act. However, water heaters are much less dangerous than boilers because they do not heat water the same way, and do not have the risk of explosion that boilers do. Highland said this bill would raise the limit to 120 gallons, and help many motels and hotels across the state.

Written-only testimony in support of **HB 2005** was received from:

- Tom Doperalski, Managing Partner, Wamego Inn & Suites ([Attachment 5](#))

NEUTRAL

Doug Jorgensen, State Fire Marshal, appeared before the committee ([Attachment 6](#)). He said that he was familiar with the hotel and that this issue happens frequently. He said his office had reached out to insurance providers and that they did not have concerns about this change because it brings Kansas in line with most other states and industry standards. He noted that making this change will have a small effect on the state general fund because of a reduction in inspection fees.

There were no opponents to **HB 2005**.

There being no further conferees, Vice Chairperson Orr closed the hearing and turned the gavel back over to Rep. Highland, who said the rules for voting in committee were being reviewed by the Revisors Office and will be sent out once approved.

There being no further business, Chairperson Highland adjourned the committee at 10:08am.