

MINUTES OF THE HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 9:00 a.m. on March 16, 2012, in Room 783 in the Docking State Office Building.

All members were present except:

Representative Michael Peterson (Unexcused)

Committee Staff Present:

Randy Gilliland, Kansas Legislative Research Department

Sean Ostrow, Office of the Revisor of Statutes

Chris Sevedge, Kansas Legislative Research Department

Joyce Hladky, Committee Assistant

Conferees appearing before the committee:

Others attending:

Chairman Powell welcomed the Committee.

Chairman asked for approval of the March 1, 2 6, 7, 8 minutes. Representative Prescott moved for approval. Representative Hayzlett seconded the motion. When called to a vote the motion carried.

Sean Ostrow of the Revisor of Statutes Office presented an overview of **Substitute SB148 application for division of water right; fee.** A new section 1 includes the division of water rights based on a new formula. The Substitute Bill also includes the sand and gravel pit **HB2698 Water permit for sand and gravel pit projects.** This has been approved by both parties.

Sean reviewed Page 3, Subsection 3 of **Substitute SB148** and explained the changes were technical in nature and provided the new language.

*Representative Hayzlett offered a motion to adopt **Substitute SBI48.** Representative Prescott seconded the motion. When called to a vote the motion carried.*

CONTINUATION SHEET

Minutes of the HOUSE AGRICULTURE AND NATURAL RESOURCES Committee at 9:00 a.m. on
March 16, in 783-DSOB

Representative Grant offered a motion to favorably pass **Substitute SB148**. Representative Hayzlett seconded the motion. When called to a vote, the motion carried.

Sean Ostrow of the Revisor of Statutes Office distributed a balloon amendment for **SB357** **Wind erosion; duties of county commissioners, conservation districts**. The **House Substitute for SB357** repeals K.S.A. 2-2004, 2-2006, 2-2007, 2-2008 and K.S.A. 2011 Supp. 2-2003 and 2-2005; concerning land; relating to dust pollution; relating to remedial measures.

Following discussion over concerns whether this would solve the issue of wind erosion, Representative Moxley requested a reading of the three and one-half pages being repealed.

Following further discussion, Representative Wetta moved to table the action on **House Substitute for SB357**. Representative Grant seconded the motion. When called to a vote the motion carried.

Sean Ostrow of the Revisor of Statutes Office presented a balloon amendment for **SB375** **adding a new exemption for solid waste permits**. The Kansas Department of Health and Environment (KDHE) would enter into a Memorandum of Agreement (MOA) with the Kansas Corporation Commission (KCC) to arrive at a rule and regulation structure for oversight. The Substitute Bill is essentially technical. No substantive changes. Mr. Ostrow discussed page 4 and learned the committee's distribution of the balloon did not include a page 4.

Chairman Powell called a recess so Mr. Ostrow could provide a page 4 to Committee members.

Mr. Ostrow reviewed new Section 8 which footnotes Section 1. The language on the new rules and regulations states they must be in place by March 15, 2014. Chairman Powell asked that the way the language reads, does that mean they do not have to have rules and regulations? Mr. Ostrow responded they must still have rules and regulations they just don't have to have any solid waste.

Discussion ensued about rules and regulations and Mr. Keck was asked to answer questions and provide clarification.

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 HOUSE AGRICULTURE AND NATURAL RESOURCES Committee at 9:00 a.m. on
March 16, in 783-DSOB

Mr. Tim Keck of the KDHE responded to questions stating that the department has tried to account for all of the questions and issues. He stated the reason they do not have a rules and regulations process is that they are going to do that through an application process. He distributed copies of a draft application for land spread.

Representative Tyson presented a balloon to **SB375 adding a new exemption for solid waste permits.** Representative Tyson reviewed the balloon stating it clarifies the following:

1. Addresses the possibility of runoff
2. If land was previously spread on it cannot be used again
3. If there are damages it defines how much could be fined.
4. Rules and regulations go through a process. There is a disclosure statement that the land has been spread on.

Representative Tyson answered questions.

Chairman Powell drew the Committee's attention to page 2 of the draft application and he reviewed the language.

Representative Arpke asked if the KDHE had developed an amendment based on his suggestions. Mr. Keck indicated time did not allow him to check with his staff so an amendment could not be completed in time to bring to Committee today.

Representative Arpke expressed concern that the rules and regulations are not at the point where he believes we can actually have this out for KDHE to allow permits at this time.

Chairman Powell provided the following options to the Committee with respect to **SB375 adding a new exemption for solid waste permits.** .

1. Pass out the bill favorably as it came to us
2. Pass out the first balloon **House Substitute for SB375**
3. Pass out Representative Tyson's balloon
4. Pass out with amendments and try to get it passed on the floor

He then asked the Committee how they wished to proceed.

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 HOUSE AGRICULTURE AND NATURAL RESOURCES Committee at 9:00 a.m. on
March 16, in 783-DSOB

Representative Wetta offered a motion to adopt the **House Substitute for SB375** balloon #2. Representative Hoffman seconded the motion.

Representative Grant offered a substitute motion to favorably pass out balloon #1 with page 7 and add balloon #2 and the amendment offered by Representative Arpke for **House Substitute for SB375**. Representative Hoffman seconded the motion. When called to a vote, the motion carried.

Representative Brookens offered a motion to favorably pass out **House Substitute for SB375** as amended. Representative Wetta seconded the motion.

Representative Brookens offered an amendment to balloon #2 to strike the first balloon on page 1, and on page 2 at the end of #2 as follows:method, ~~and~~ post-land-spreading report, standards for control of runoff and ponding; appropriate distance from property boundaries, water wells, and water supplied lakes and ponds; and other relevant factors of public health safety and potential damage. Representative Moxley seconded the motion. When called to a vote, motion carried.

Discussion followed and concerns were noted that there was no comfort level in the knowledge that if the bill passes that landowners will be safe if horizontal land spreading is allowed and for additional time to conduct further study on the impact of the bill. There was also concern over the large companies' responsibility.

Representative Brookens moved to favorably pass **House Substitute for SB375** with all of the aforementioned amendments. Representative Moxley seconded the motion. When called to a vote the motion failed.

Representative Weber moved to untable **SB357** wind erosion; duties of county commissioners, conservation districts. Representative seconded the motion. When called to a vote, the motion failed.

Chairman Powell thanked Representative Kerschen and Representative Williams and the entire Committee for their hard work and commitment to this year's process.

Meeting adjourned a 10:52 a.m.

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.
