

MINUTES OF THE HOUSE ENVIRONMENT COMMITTEE

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on March 11, 2004 in Room 231-N of the Capitol.

All members were present except:

Representative Lee Tafanelli- excused
Representative Vaughn Flora- excused

Committee staff present:

Emalene Correll Legislative Research Department
Raney Gilliland Legislative Research Department
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Senator Phillip B. Journey, 26th District
Susan Erlenwein, Director of Environmental Resources for Sedgwick County, 2625 S. Tyler Road, Wichita, KS 67215
Bill Bider, Director, Bureau Waste Management, KS Dept. Health and Environment, 1000 SW Jackson St., Ste. 320, Topeka, KS 66612-1366
Mark Tomb, Intergovernmental Relations Associate, League of Kansas Municipalities, 300 SW 8th Avenue, Topeka, KS 66603-3912
Randal Allen, Executive Director, Kansas Association of Counties, 6206 SW 9th Terrace, Topeka, KS 66615
Ronald Hammerschmidt, Ph.D., Director, Division of Environment, Dept. of Health and Environment, 1000 SW Jackson St., Ste. 400, Topeka, KS 66612-1367

Others attending:

See Attached List.

Chairperson Joann Freeborn called the meeting to order. She reviewed the committee agenda for next week. Tuesday, March 16, a hearing on **HB 2919** - Concerning the beneficial use of groundwater; and a review on Terrestrial Carbon Sequestration by Dr. Charles Rice, Professor of Soil Micro Biology, Kansas State University. On Thursday, March 18, possible action on bills previously heard. She announced that Vice-Chairman Lee Tafanelli will not be present today, he is out of state with the military. Representative Vaughn Flora, Ranking Minority Leader, is absent also, due to an illness. She opened the hearing on **SB 416**.

SB 416: **Allows cities and counties to use certain moneys for programs dealing with recyclables.**

The Chairperson asked Raney Gilliland, Legislative Research, to give a brief review of the bill.

Senator Phillip Journey, was welcomed to the committee. He presented testimony in support of the bill and believes every member of the Kansas House of Representatives as well as every member of this committee are aware of the fact that solid waste management is a serious issue facing all local governmental units in the State of Kansas. In particular, those from Sedgwick County are acutely aware of the issues involved in waste management. Many Kansas communities have embarked upon aggressive recycling programs in an effort to extend the life of the current landfill facilities. He has with him today copies of a small portion of the petitions signed by over 3,000 Sedgwick County residents supporting the proposition. The county officials implement and manage a convenient universal system to recycle and divert refuse that is now going to landfill. (See attachment 1)

Susan Erlenwein, Director of Environmental Resources for Sedgwick County, testified in support of the bill. She believes the purpose of this bill is not to increase the solid waste fee. The board of County Commissioners must establish that fee by July 1 of each year, and in fact the County Commissioners lowered the fee last year by 18% for residential properties and 26% for nonresidential properties. The board currently has no intention of raising this fee again to fund recycling programs or projects. But this

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bill will broaden the scope of implementation of more recycling programs and less solid waste destined for final disposal in a landfill. (See attachment 2)

Bill Bider, Director, Bureau of Waste Management, KS Department of Health and Environment, testified in support of the bill. This bill would amend KSA 65-3410 to give cities and counties authority to assess fees on real property to fund local recycling programs. Few people would disagree that recycling is good for Kansas. Most important is the conservation of valuable landfill space. By minimizing the amount of waste entering existing facilities, landfill lifetimes are lengthened and fewer new facilities need to be sited. This results in less impact to neighbors of new facilities and less environmental risks. Natural resource conservation is also a direct benefit of recycling. (See attachment 3)

Mark Tomb, Intergovernmental Relations Associate, League of Kansas Municipalities, was welcomed. The League is in support of the changes included in this bill. This bill adds language to include recycling programs and recycling fees. Kansas has a number of cities that have embarked on a proactive approach with regard to recycling. When faced with rising costs and limited space for landfills, cities across Kansas have embraced ambitious recycling programs. Recycling has been a powerful solution to reduce the need for landfill space while at the same time preserving resources for future generations. This bill supports those efforts by clarifying current law. (See attachment 4)

Randall Allen, Executive Director, Kansas Association of Counties, testified in support of the bill which adds recycling programs to the list of eligible activities for which county established solid waste fee funds can be used. It is their understanding that the intent of the original legislation was that this would be the case. However, the term "recycling program" was omitted from the list when the statute was last amended. Recycling programs are an integral part of waste management. It is the intent of this legislation to clarify the current statute and thereby allow counties to use their solid waste fees to provide and pay for recycling programs. (See attachment 5)

Written only testimony in support of the bill was submitted by Charles Benjamin, Kansas Chapter of the Sierra Club. The Sierra Club joins with Sedgwick County, the Kansas Association of Counties and the League of Kansas Municipalities in urging passage of this legislation. (See attachment 6) Committee questions and discussion followed.

There were no opponents to the bill. The Chairperson closed the hearing on **SB 416** and announced that the committee may work the bill next Thursday, March 18.

Chairperson Freeborn opened the hearing on **SB 396**.

SB 396: Creates the radiation control operations fee fund.

Ronald Hammerschmidt, Director of the Division of Environment, Kansas Department of Health and Environment, was welcomed to the committee. He testified in support of the bill and believes the intent of this bill is to create a dedicated fee fund for the support of the activities of the Kansas Radiation Control Program. Passage of this bill would create a dedicated fee fund for the Radiation Control Program. This would keep program fee generated funds tied to program activities under the user-pays approach. They have successfully used this approach in a number of programs including air quality and hazardous waste. The former was a requirement of the reauthorized federal Clean Air Act while the latter was an agency initiative to support the hazardous waste regulatory program with federal funds and fees. The fee payers in these programs have accepted this approach as a way to keep their fees tied to an identifiable set of expenditures. Needed improvements to the Kansas Radiation Control Program can be funded by increases in fees charged to the licensees and registrants. These increased fees will be significantly less than those charged if the Nuclear Regulatory Commission operates the licensing program. This bill would create a dedicated fee fund to receive these funds. A letter to Governor Kathleen Sebelius from the United States Nuclear Regulatory Commission is included with the testimony. (See attachment 7) Committee questions and discussion followed.

Tom Conley, Section Chief, Radiation and Asbestos Control, Kansas Department of Health and Environment was in attendance to answer committee questions.

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There were no opponents to the bill. The Chairperson closed the hearing on **SB 396**.

The meeting adjourned at 4:35 p.m. The next meeting is scheduled for Tuesday, March 16, 2004