

**HOUSE BILL No. 2140**

By Special Committee on Legislative Streamlining

2-3

1 AN ACT concerning expired committees, commissions, and task forces;  
2 amending K.S.A. 2010 Supp. 65-1,177 and repealing the existing  
3 sections; also repealing K.S.A. 12-5309, 46-2701, 46-3201, and 66-  
4 1226 and K.S.A. 2010 Supp. 2-1921, 2-1922, 2-1923 and 46-3702.

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2010 Supp. 65-1,177 is hereby amended to read as  
8 follows: 65-1,177. ~~(a) There is hereby created the Kansas special~~  
9 ~~commission on surface water quality standards. Within the limits of~~  
10 ~~appropriations therefor, the commission shall undertake the following~~  
11 ~~activities:~~

12 ~~(1) Investigate and evaluate the technical and scientific basis of the~~  
13 ~~1994 surface water quality standards, including: (A) Stream designations~~  
14 ~~use attainability analysis as required when compiling the 1996 *Kansas*~~  
15 ~~*Water Quality Assessment* 305(b) report pursuant to 33 U.S.C. 1315(b)(1)~~  
16 ~~(D) or 33 U.S.C. 1313(e)(2)(A); (B) low, high and yearly average flow~~  
17 ~~impact criteria; and (C) scientific appropriateness of the criteria guidance~~  
18 ~~of the United States Environmental Protection Agency and the~~  
19 ~~department;~~

20 ~~(2) evaluate whether the 1994 surface water quality standards,~~  
21 ~~including the use designations, surface water chemical and microbial~~  
22 ~~criteria and the "Kansas Surface Water Register," as published by the~~  
23 ~~department on June 20, 1994, are based on sound scientific and technical~~  
24 ~~data and information, whether such standards are more stringent than are~~  
25 ~~required by federal law and those of other midwestern and plains states,~~  
26 ~~whether generally accepted criteria exist for evaluating the~~  
27 ~~appropriateness and cost-effectiveness of the standard and whether the~~  
28 ~~department should be directed to make any changes in the standards;~~

29 ~~(3) develop and recommend cost-benefit or risk assessment models~~  
30 ~~for the evaluation of the impact of surface water quality standards on the~~  
31 ~~various elements of the environment, health and economy of Kansas,~~  
32 ~~including but not limited to human health, animal and plant species~~  
33 ~~actually found or likely to be reintroduced in Kansas waters, industry,~~  
34 ~~agriculture and wastewater treatment;~~

35 ~~(4) assess the probability that designated uses contained in the~~  
36 ~~surface water quality standards can be attained in a cost-effective and~~

1 reasonable manner when requirements are met;

2 (5) ~~evaluate whether the 1994 surface water quality standards were~~  
3 ~~adopted in full compliance with the requirements of Kansas law in effect~~  
4 ~~at the time of adoption of the standards and whether the estimates of~~  
5 ~~economic impact completed at the time accurately predicted the fiscal~~  
6 ~~impact of the standards on communities facing compliance with the~~  
7 ~~standards in 1997 and 1998;~~

8 (6) ~~advise the governor, legislature and secretary of any revisions to~~  
9 ~~the 1994 surface water quality standards that are justified based on~~  
10 ~~additional scientific and technical information and data;~~

11 (7) ~~advise the governor, legislature and secretary whether the~~  
12 ~~department's process of revising the 1994 surface water quality standards~~  
13 ~~is in full compliance with federal and state law;~~

14 (8) ~~advise the governor, legislature and secretary regarding the~~  
15 ~~extent of the department's compliance with the provisions of 1996 House~~  
16 ~~Resolution No. 6013, concerning consultation with community officials~~  
17 ~~on the impacts of the 1994 surface water quality standards on the~~  
18 ~~communities of the state; and~~

19 (9) ~~recommend the adoption of any procedures that the commission~~  
20 ~~deems advisable to ensure the collection and evaluation of scientific and~~  
21 ~~technical information necessary for the revision of the 1994 surface water~~  
22 ~~quality standards in future years.~~

23 (b) ~~In completing its study, the commission shall evaluate and advise~~  
24 ~~the governor, legislature and secretary whether:~~

25 (1) ~~There is reliable scientific documentation of the actual existence~~  
26 ~~of the species that are designed to be protected by the special aquatic use~~  
27 ~~designation contained in the 1994 surface water quality standards; and~~

28 (2) ~~the special aquatic use designation and reduced mixing zone~~  
29 ~~requirements contained in the 1994 surface water quality standards are~~  
30 ~~based on any recognized scientific data and models and whether there is~~  
31 ~~an established and clear relationship between the presence of the~~  
32 ~~regulated pollutants and the protection or restoration of the targeted~~  
33 ~~aquatic species.~~

34 (e) ~~The commission shall consist of seven members appointed by the~~  
35 ~~governor. All members shall serve at the pleasure of the governor. The~~  
36 ~~term of office of such members shall commence at the time of~~  
37 ~~appointment until July 1, 1998, or unless the commission or the~~  
38 ~~appointment is terminated by action of the governor on an earlier date.~~  
39 ~~The chairperson of the commission shall be appointed by the governor~~  
40 ~~from among the members of the commission. The staff of the department~~  
41 ~~of health and environment, the Kansas department of agriculture, the~~  
42 ~~Kansas biological survey and the department of wildlife and parks shall~~  
43 ~~cooperate with and assist the deliberations of the commission.~~

1       ~~(d) Members of the commission shall have experience in one or~~  
2 ~~more of the following areas and disciplines: Environmental sciences; civil~~  
3 ~~engineering; business and industry; public finance; municipal wastewater~~  
4 ~~treatment; agriculture or agribusiness; environmental law; public health~~  
5 ~~sciences; aquatic biology; risk assessment; and cost-benefit analysis. At~~  
6 ~~least one member shall represent the general public. Except for faculty~~  
7 ~~members of universities under the supervision of the Kansas board of~~  
8 ~~regents, no state officer or employee shall serve on the commission.~~

9       ~~(e) Before assuming office as a member of the commission, each~~  
10 ~~person appointed as a member shall complete and file with the office of~~  
11 ~~the secretary of state:~~

12       ~~(1) A statement containing the information required in a statement of~~  
13 ~~substantial interests pursuant to K.S.A. 46-247 and amendments thereto;~~  
14 ~~and~~

15       ~~(2) a list of citations of any publications written by the person.~~

16       ~~(f) Within the limits of appropriations provided therefor, the~~  
17 ~~commission may retain such consultants and temporary staff as the~~  
18 ~~commission deems necessary to complete the commission's investigations~~  
19 ~~and final report. The secretary of administration shall provide appropriate~~  
20 ~~space for the meetings of the commission. Each member of the~~  
21 ~~commission shall receive compensation, subsistence, mileage and~~  
22 ~~expenses as provided by K.S.A. 75-3223 and amendments thereto.~~

23       ~~(g) On or before January 1, 1998, the commission shall submit a~~  
24 ~~preliminary report to the governor and the legislature. The commission~~  
25 ~~shall submit a final report to the governor and the legislature on or before~~  
26 ~~June 30, 1998. The department shall hold public hearings and accept~~  
27 ~~public comment on the commission's final report. After completion of the~~  
28 ~~hearings and receipt of the comments, the department shall develop and~~  
29 ~~publish proposed rules and regulations on or before December 31, 1998,~~  
30 ~~and shall adopt rules and regulations in accordance with the rules and~~  
31 ~~regulations filing act. On and after July 1, 1999, All stream designations~~  
32 ~~and criteria contained in the 1994 surface water quality standards shall be~~  
33 ~~in full force and effect unless otherwise revised by rules and regulations~~  
34 ~~adopted by the secretary.~~

35       Sec. 2. K.S.A. 12-5309, 46-2701, 46-3201, and 66-1226 and K.S.A.  
36 2010 Supp. 2-1921, 2-1922, 2-1923, 46-3702 and 65-1,177 are hereby  
37 repealed.

38       Sec. 3. This act shall take effect and be in force from and after its  
39 publication in the statute book.

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