MINUTES OF THE SENATE NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Carolyn McGinn at 8:30 a.m. on February 6, 2009, in Room 446-N of the Capitol.

All members were present except:
        Senator Terry Bruce - excused
        Senator Steve Morris - excused

Committee staff present:
        Jason Thompson, Revisor of Statutes Office
        Corey Carnahan, Kansas Legislative Research Department
        Raney Gilliland, Kansas Legislative Research Department
        Alissa Vogel, Committee Assistant

Conferees appearing before the committee:
        Don Jarrett, Chief Counsel, Johnson County Board of County Commissioners
        Melissa Mundt, Assistant City Administrator, City of Gardner
        Tom Whitaker, Executive Director of the Kansas Motor Carriers Association
        Keaton Kelso, President, Kansas Outfitters Association

<u>A motion was made by Senator Abrams to approve the minutes of January 29, 2009. Senator Lee seconded the motion, and the motion carried</u>.

Raney Gilliland, Legislative Research Department, provided Committee members with a brief overview of **SB 182**. He explained that **SB 182** would authorize the Board of County Commissioners in any urban county, in which an intermodal facility is located or proposed to be located, to adopt regulations to control and reduce diesel emissions produced by heavy-duty vehicles located or operated in the county.

He stood for questions.

Don Jarrett, Chief Counsel to the Johnson County Board of County Commissioners, spoke as a proponent to **SB 182**. (Attachment 1) He appeared on behalf of the Commission with concerns regarding air quality containment issues, after the development of intermodal facilities in Johnson County. As warehouses and distribution centers develop, heavy-duty truck traffic will increase and emissions from engine idling will pose public health and welfare risks to citizens. Allowing the County to regulate idling emissions, supplementing KDHE regulations, will allow the County to be more responsive and timely to its citizens' needs.

He stood for questions.

Senator Lee requested information on the breakdown of the pollution that is emitted by heavy-duty vehicles in intermodal facilities.

Senator McGinn requested that KDHE provide the Committee with rules and regulations regarding emissions of heavy-duty vehicles.

Senator Abrams requested a document that would define "necessary idling time" and "unnecessary idling time."

Melissa Mundt, Assistant City Administrator for the City of Gardner, stood in support of **SB 182**. (Attachment 2) She informed the Committee that, prior to building an intermodal facility in Gardner, an ordinance was passed that restricted idling times for vehicles throughout the city. The ordinance promotes efforts to help improve air quality at a city-wide level. The City of Gardner is now working with Johnson County to develop a more regional initiative. **SB 182** would allow for uniformity of idling regulations throughout the county, thus promoting the health and welfare at a regional level.

Ms. Mundt stood for questions.

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.   Page 1

Minutes of the Senate Natural Resources Committee at 8:30 a.m. on February 6, 2009, in Room 446-N of the Capitol.

Tom Whitaker, Executive Director of the Kansas Motor Carriers Association (KMCA), stood in opposition to **SB 182**. (Attachment 3) KMCA believes that the bill creates a second layer of bureaucracy that is unnecessary and detrimental to the trucking industry. He informed the Committee that the KMCA is communicating with KDHE to assist in the development of regulations that will reduce emissions in the Kansas City area, while keeping productivity high and freight moving. The KMCA believes that the authority to establish idling regulations should remain at the state or federal level, in order to create uniformity across the state. **SB 182** would create a patchwork of regulations throughout the state.

He stood for questions.

Senator Abrams requested information comparing idling times of vehicles in typical commercial enterprises versus intermodal enterprises.

Senator McGinn closed the hearing on **SB 182** and opened the hearing on **SB 189**.

Raney Gilliland provided the Committee with an explanation of **SB 189** and defined language within the bill. **SB 189** would enact new authority that would require those that provide outfitter services in the state of Kansas to obtain a valid outfitter license.

He stood for questions. Discussion was held on the reasoning behind the authority given to the Department of Commerce (DOC) to issue outfitter licenses and impose fines, rather than the Department of Wildlife and Parks.

Keaton Kelso, President of the Kansas Outfitters Association, stood as a proponent to **SB 189** and supports the creation of an outfitters license. (Attachment 4) He stated that **SB 189** is an improvement over the outfitter licensing requirements that were repealed in 2005. As where the former system proved unsuccessful, the proposed bill would create a license and bonding process to protect landowners, outfitters and clients. The new system would include: landowner exemption, liability insurance to protect outfitters, outfitter bonds to protect the consumer from fraud or bankruptcy and a criminal background check of the outfitter.

The outfitter industry is a multi-million dollar business, and the Kansas Outfitters Association believes that there must be standards set to ensure equal treatment of all outfitters throughout the State of Kansas.

The Kansas Outfitters Association supports the DOC's authority to issue outfitter licenses for the following reasons: the DOC regulates tourism found in the outfitter industry, **SB 189** is a business structured law and there are conflicts of interest within the Department of Wildlife and Parks that would prevent an unbiased execution of law.

He stood for questions.

Senator McGinn informed the Committee that hearings will continue next week on **SB 183** and **SB 189**. Possible action will be taken on **SB 64** and **SB 182** next week.

The next meeting is scheduled for February 12, 2009.

The meeting was adjourned at 9:30 a.m.