

MINUTES OF THE HOUSE ENVIRONMENT COMMITTEE

The meeting was called to order by Chairperson Joann Freeborn at 3:30 P.M. on February 21, 2006 in Room 231-N of the Capitol.

All members were present except:  
Representative Ted Powers- excused

Committee staff present:  
Raney Gilliland, Legislative Research Department  
Emalene Correll, Legislative Research Department  
Lisa Montgomery, Revisor of Statutes Office  
Pam Shaffer, Committee Secretary

Conferees appearing before the committee:  
Brent Haden, Kansas Livestock Association  
Jim Koelliker, Kansas Society of Professional Engineers  
Constantine Cotsoradis, Assistant Secretary-Agriculture

Others attending:  
See attached list.

Chairperson Freeborn asked that all guests sign the guest log, she announced the agenda for the next committee meeting, March 2<sup>nd</sup> had not been decided yet and that it would be published in the calendar this Thursday.

Chairperson Freeborn opened final action on **HCR 5030 - Congress and President urged to allow offshore drilling for natural gas**. Ken Peterson pointed out during testimony at the hearing that sometimes when they are drilling for natural gas they also find oil and he asked if the resolution could be amended to include oil. A copy of the substitute for HCR5030 was given to all committee members (See attachment 1).

Representative Johnson moved to adopt the balloon which was a substitute for HCR5030, Representative Olson seconded, motion carried.

Representative Sloan moved to recommend substitute for HCR5030 favorable for passage, Representative Hayzlett seconded, motion carried. Chairperson Freeborn will carry the resolution.

**HB2556 - Farm and ranch land protection program; grants; open spaces preservation fee.** Representative Sloan offered a balloon (See attachment 2). Representative Sloan moved to adopt the balloon, Representative Johnson seconded motion carried. Representative Freeborn offered a balloon (See attachment 3). Representative Sloan moved to adopt the balloon, Representative Johnson seconded. Discussion followed, a copy of the statute dealing with eminent domain was given to each committee member (See attachment 4). Final action for **HB2556** was placed on hold so the revisor could complete work on conceptual language.

Chairperson Freeborn said we would proceed with final action on **HB2875 - Concerning inspection fees for works constructed for appropriation for water for beneficial use**, and return to final action on **HB2556** when the revisor has completed the conceptual language.

**HB2875-** During final Action a balloon from Woody Moses, Kansas Aggregate Producers Association, was given to all committee members (See attachment 5). Representative Sloan moved to strike "the" from the fourth line of the proposed balloon and to insert "for a sand and gravel pit" after the word completion in the 6<sup>th</sup> line of the proposed balloon and to adopt the balloon with these changes, Representative Svaty seconded, motion carried.

Representative Svaty moved to recommend HB2875 favorable for action, as amended, Representative Flora seconded, motion carried. Representative Sloan will carry the bill.

Chairperson Freeborn opened the hearing on **HB2867 - Concerning dam safety**. The chairperson said the

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proponents notified the chairperson ahead of time that they have a significant balloon to present with their testimony.

Brent Haden, Kansas Livestock Association, proponent, testified (See attachment 6).

Written testimony was given to each committee member from Phyllis and Dee Scherich Merrill Ranch, Comanche County, Kansas, proponent (See attachment 7).

Written testimony was also given to each committee member from Steve Swaffar, Kansas Farm Bureau, proponent, (See attachment 8).

Jim Koelliker, Kansas Society of Professional Engineers, opponent, testified (See attachment 9).

Constantine Cotsoradis, Assistant Secretary-Agriculture, opponent, testified (See attachment 10).

Written testimony was given to each committee member from Herbert Graves, State Association of Kansas Watersheds, opponent (See attachment 11).

Copy of the fiscal note written on the original bill was given to all committee members (See attachment 12).

Questions and discussion followed.

Chairperson Freeborn closed the hearing on **HB2867**.

Chairperson Freeborn returned to considerations of final action on **HB2556**, Representative Sloan withdrew the motion to adopt the balloon introduced by Chairperson Freeborn, Representative Johnson who had seconded, also withdrew and so the motion was withdrawn.

The revisor had the completed conceptual language, a copy was given to each committee member (See attachment 13). Representative Schwartz moved to adopt the conceptual language passed out for the new section 7, Representative Svaty seconded, motion carried.

Representative Sloan moved to adopt the language in the balloon that Chairperson Freeborn proposed, Representative Johnson seconded, motion carried.

Representative Sloan moved to recommend **HB2556** favorable for passage as amended, motion carried. Representative Sloan will carry the bill.

Final action on **HB2867**

Representative Svaty moved adoption of the balloon introduced by Brent Haden in his testimony today, Representative Johnson seconded, motion carried.

Representative Burgess proposed language be added to include liability signs to be placed in inundation zones, motion failed for lack of a second.

Representative Sloan made a motion refining the language on page 3, line 25-29, line 25 after shall add the words "inspect but" and on line 28 before endangered, add the word "normally" and after endangered add "in the breach inundation zone." Representative Burgess seconded, motion carried.

Representative Sloan made a motion for conceptual language clarifying that the landowner has been notified and informed of the risks, and acknowledges the risk and accepts such risk, seconded by Representative Hawk, motion carried.

Representative Svaty moved to recommend **HB2687** favorable for passage as amended and allow for staff technical changes, seconded by Representative George, division was requested, motion carried.

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Chairperson Freeborn adjourned the meeting at 5:15. Next meeting scheduled March 2.