

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Don Sallee at 8:00 a.m. on January 21, 1993 in Room 423-S of the Capitol.

All members were present :

Committee staff present: Raney Gilliland, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Don Hayward, Revisor of Statutes
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Charles Jones, Director, Air & Waste Management, Bureau of Health & Environment
John Irwin, Director, Air Quality and Radiation Control, Bureau of Health & Environment
John Bottenburg, Kansas Ethanol Association

Others attending: See attached list

The meeting was called to order shortly after 8 a.m. by Chairperson Don Sallee.

Information concerning individuals who will appear for confirmation hearings January 27 and 28 was handed to committee members. Attachments 1 and 2

John Bottenburg, Kansas Ethanol Association, requested introduction of a bill to extend the current ethanol program which expires July 1, 1993 to July 1, 1997.

Senator Martin, with a second by Senator Morris, made a motion to introduce the bill. The motion carried.

Charles Jones, Air and Waste Management, appeared as a proponent of SB-29, air contaminant emissions and provided testimony concerning the bill to committee members. Attachment 3 Mr. Jones noted the purpose of SB-29 was to bring Kansas into compliance with the federal Clean Air Act Amendments of 1990. Failure to comply could subject the state to federal sanctions including loss of federal highway funds, loss of federal air grant funds, withdrawal of existing air program approvals and would bring about implementation of a federal program in Kansas in lieu of a continuing state program.

Mr. Jones told the committee that Kansas is already in attainment with the criteria of pollutant measures of the clean air act and it was noted Kansas should see some competitive advantage because the state was in attainment.

Requirements are divided into five areas covering operating permits, funding for permit program, specific enforcement authorities, establishment and implementation of Small Business Technical and Environmental Compliance Assistance Program and proposed minor administrative changes.

The federal clean air act has six titles: urban smog, mobile sources (automobiles), air toxics, acid rain and permits and miscellaneous. It was noted that the urban smog issue would have no effect on Kansas. The mobile sources will not at present affect Kansas, however, in the Kansas City area the mobile sources problem is marginal. Air toxics will need to be reduced 75 percent over the next 10 years and within 3 years everyone must perform within the top 12 percent. This would apply to technology rather than actual emissions.

It is anticipated that a number of small businesses will be affected by these regulations, therefore, this is the reason for setting up the Small Business Technical and Environmental Compliance Assistance Program.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 423-S Statehouse, at 8:00 a.m. on January 21, 1993.

Acid rain will affect the big power plants in the state. The goal is to cut the emission of sulphur dioxide in half. This will be dealt with by an allowance system and there can be a buying and selling of these allowances. This should benefit economic development in Kansas.

In closing Mr. Jones noted the state needs to establish a permit program and that his organization was behind in helping small businesses attain compliance. It was further stated they were falling farther and farther behind and SB-29 was needed in order that Kansas might maintain privacy of the program as well as there being elements in the federal law which need to be met.

A request was made for information concerning the statewide fiscal impact, also a breakdown of impact on small business.

Attachment 4, a copy of an article from the Lincoln, Nebraska Journal and Star, December 30, 1992 was handed to committee members as it concerns the Central Interstate Low-level Radioactive Waste Compact.

The meeting adjourned at 9:58 a.m.

GUEST LIST

SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES

DATE January 21, 1993

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Terry Leatherman	Topeka
Don Schnack	Topeka
John Irwin	Topeka
Doc Lamb	Topeka
Mya Chenevert	Topeka
J. Lummie	"
Louie Stroup	McPherson
Carl Dougherty	Columbus
Mike Beam	Topeka

KCCT
KIOGA
KDHE
KSBA
KMCA
WESTERN RESOURCES
KANSAS MUNICIPAL UTILITIES
EMARE DISTRICT ELECTRIC
KS LUSTK ASSN.

SENATE CONFIRMATION QUESTIONNAIRE
APPOINTMENTS BY GOVERNOR JOAN FINNEY

Name: Theodore D. Ensley

Home Address: 3720 SE Yacht Ct.

City, State, Zip Code: Topeka, KS 66609

Home Phone: 913 / 266-8030

Business Address: Room 502, 900 SW Jackson

City, State, Zip Code: Topeka, KS 66612

Business Phone: 913 / 296-2281

Date of Birth: 12-4-35 Place of Birth Frankfort, KS

Party Affiliation Democrat KBI Check(Yes/No) Yes

Appointed as: Secretary of Wildlife and Parks

Effective 8-18-92 for the _____ term
ending Deasue Succeeding Jack Lacey, resigned

Salary \$70,008.00 Statutory Authority KS 32-801

Statutory Requirements Qualified by education, training and experience.

1. EDUCATION:
High School Vermillion Rural High School

Year Graduated 1953

Postsecondary	Degree, etc.	Dates
<u>Kansas State University</u>	<u>B.S.</u>	<u>1956 - 1961</u>
<u>Washburn University</u>	<u>None</u>	<u>1980's</u>
<u>KAW Vo Tech</u>	<u>Certificate</u>	<u>Spring 1984</u>

Senate Energy & Nat'l Resources
January 21, 1993
Attachment i

2. MEMBERSHIP IN BUSINESS, TRADE AND PROFESSIONAL ORGANIZATIONS DURING PAST 10 YEARS:

Dates	Name	Location
1962 - Present	National Recreation & Park Association (NRPA)	Virginia
1962 - Present	Kansas Recreation & Park Association (KRPA)	Topeka, KS
1982	National Association of County Parks & Recreation Officials (NACPRO)	Washington D.C.
1990 - Present	Kansas Wildlife Federation	Topeka
1990 - Present	Downtown Topeka Rotary	Topeka

3. HAVE YOU EVER BEEN ELECTED OR APPOINTED TO ANY PUBLIC OFFICE IN KANSAS? Yes Yes No
If so, please list dates and offices held.

Date	Office
July, 1989	Wildlife & Parks Commissioner
1991	Wildlife & Parks Commission Vice-Chairman

4. HAVE YOU EVER BEEN EMPLOYED BY OR HELD A POSITION OR OFFICE WITH ANY FEDERAL, FOREIGN STATE, OR LOCAL GOVERNMENTAL ENTITY OR AGENCY? Yes
If so, please list dates and offices held:

4-1-61 - Present	Shawnee County Parks and Recreation Director

5. HAVE YOU BEEN A REGISTERED LOBBYIST OR EMPLOYED A REGISTERED LOBBYIST AT ANY TIME DURING THE PAST 5 YEARS? No
If you were a registered lobbyist, did you receive any compensation?
List groups you represented or for which you employed a lobbyist:

6. EXPERIENCE OR INTERESTS WHICH QUALIFY YOU FOR THE OFFICE TO WHICH YOU HAVE BEEN APPOINTED: My professional career as Director of Shawnee County Parks and Recreation, Director of the Kansas Expocentre, Kansas Department of Wildlife and Parks Commissioner, and leadership with the National Association of County Parks and Recreation Officials (NACPRO), Kansas Recreation and Park Association (KRPA), and other organizations, have led to a very strong competence in administrative, personnel, budgetary management skills, and an understanding of the most efficient and effective means of meeting the needs, interests, and concerns of the public.

7. SUMMARY OF BUSINESS OR PROFESSIONAL EXPERIENCE: Over the years I have demonstrated leadership to motivate a diversity of departmental responsibilities and interest groups and directing them toward the attainment of common goals. All of these and the ability to understand the total scope of issues prove essential in carrying out the duties of a position such as the Secretary of the Kansas Department of Wildlife and Parks.

8. HAVE YOU EVER BEEN A MEMBER OF THE ARMED FORCES OF THE UNITED STATES? Yes
If so, please list dates of service, branch of service and date and type of discharge:

<u>1-9-54</u>	<u>U.S. Army</u>
<u>to</u>	
<u>12-19-55</u>	<u>Honorable Discharge</u>

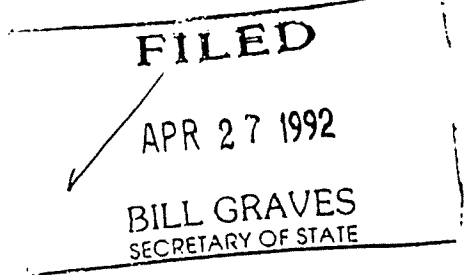
9. HAVE YOU EVER BEEN ARRESTED, CHARGED OR HELD BY FEDERAL, STATE OR OTHER LAW ENFORCEMENT AUTHORITIES FOR VIOLATION OF ANY FEDERAL LAW, STATE LAW, COUNTY OR MUNICIPAL LAW, REGULATION OR ORDINANCE (EXCLUDING TRAFFIC VIOLATIONS FOR WHICH A FINE OF \$100 OR LESS WAS IMPOSED)? No

10. DISPOSITION OF ANY INTERESTS THAT MIGHT HAVE PRESENTED A POTENTIAL CONFLICT OF INTEREST FOR THIS POSITION.

None

Return to: Mary Holladay
Appointment Secretary
Office of the Governor
2nd Floor, State Capitol
Topeka, KS 66612

Sheila P. Embury
Signature



STATEMENT OF SUBSTANTIAL INTERESTS FOR STATE BOARD MEMBERS

- C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "C", check here ____.

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1. 240 acre farm located in Marshall County, Kansas	Farm	Farm	____ You ____ Spouse ____ Jointly	____ ____ X
2.			____ You ____ Spouse ____ Jointly	____ ____ ____
3.			____ You ____ Spouse ____ Jointly	____ ____ ____
4.			____ You ____ Spouse ____ Jointly	____ ____ ____
5.			____ You ____ Spouse ____ Jointly	____ ____ ____
6.			____ You ____ Spouse ____ Jointly	____ ____ ____
7.			____ You ____ Spouse ____ Jointly	____ ____ ____

- D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value \$500 or more in the preceding 12 months.

If you have nothing to report in Section "D", check here X.

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and all other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.

If you have nothing to report in Section "E"1, check here ____.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. Shawnee County Parks & Rec.	1 Expocentre Drive Topeka, KS	Parks & Recreation
2.		

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.

If you have nothing to report in Section "E"2, check here ____.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. DISC, Dept. of Administration	751-S, LSOB	State of Kansas
2.		

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner, proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section. If you have nothing to report in Section "F", check here X.

BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.		
2.		
3.		
4.		
5.		

- G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commission to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. *The phrase "client or customer" relates only to businesses or combination of businesses.* In the case of partnership, it is the partner's proportionate share of the business, and hence of the fee which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

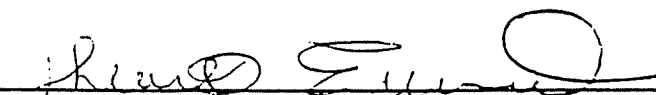
If you have nothing to report in Section "G", check here X.

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
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12.			
13.			

H. **DECLARATION:**

I, Theodore D. Ensley, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

4/23/92
Date


Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES ____.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.

SENATE CONFIRMATION QUESTIONNAIRE
APPOINTMENTS BY GOVERNOR JOAN FINNEY

Name: Robert C. Harder

Home Address: 1420 SW Ward Parkway

City, State, Zip Code: Topeka KS 66604

Home Phone: 913 / 272 8726

Business Address: KS Health and Environment
900 SW Jackson

City, State, Zip Code: Topeka KS 66612-1290

Business Phone: 913 / 296 0461

Date of Birth: 6-4-29 Place of Birth Horton KS

Party Affiliation Democrat KBI Check(Yes/No)

Appointed as: Secretary, KS Department of Health and Environment

Effective 10-12-92 for the ~~term~~ serve at the
pleasure of the Governor
~~ending~~ Succeeding Azzie Young

Salary \$74,652/yr Statutory Authority KSA 75-5601

Statutory Requirements KSA 65-101 et. seq.

1. EDUCATION:

High School Troy High School

Year Graduated 1947

Postsecondary	Degree, etc.	Dates
<u>Baker University</u>	<u>A.B.</u>	<u>1951</u>
<u>Perkins School of Theology</u>	<u>M.T.</u>	<u>1954</u>
<u>Boston University</u>	<u>Th.D.</u>	<u>1958</u>

Senate Energy + Nat'l Resources
January 21, 1993
Attachment 2

2. MEMBERSHIP IN BUSINESS, TRADE AND PROFESSIONAL ORGANIZATIONS DURING PAST 10 YEARS:

Dates	Name	Location
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(SEE RESUME ATTACHED)

_____	_____	_____
_____	_____	_____
_____	_____	_____

3. HAVE YOU EVER BEEN ELECTED OR APPOINTED TO ANY PUBLIC OFFICE IN KANSAS? Yes No
If so, please list dates and offices held.

Date	Office
------	--------

<u>1961</u>	<u>State Representative</u>
<u>1967</u>	<u>Technical Assistance Coordinator, Office of the Governor</u>
<u>1969</u>	<u>Director, Department of Social Welfare</u>
<u>1973</u>	<u>Secretary, Department of Social & Rehabilitation Services</u>

4. HAVE YOU EVER BEEN EMPLOYED BY OR HELD A POSITION OR OFFICE WITH ANY FEDERAL, FOREIGN STATE, OR LOCAL GOVERNMENTAL ENTITY OR AGENCY? NO
If so, please list dates and offices held:

_____	_____
_____	_____
_____	_____

5. HAVE YOU BEEN A REGISTERED LOBBYIST OR EMPLOYED A REGISTERED LOBBYIST AT ANY TIME DURING THE PAST 5 YEARS? YES
If you were a registered lobbyist, did you receive any compensation? YES
List groups you represented or for which you employed a lobbyist:

McGill & Associates; lobbied on mental health issues

People Concerns; self, no compensation

WHICH YOU HAVE BEEN APPOINTED:

Involved in the management of the Medicaid program for 18 years;

Served on the Kansas State Employees Health Care Commission for 9 years;

Active lay interest in environment matters

7. SUMMARY OF BUSINESS OR PROFESSIONAL EXPERIENCE: _____

SEE RESUME

8. HAVE YOU EVER BEEN A MEMBER OF THE ARMED FORCES OF THE UNITED STATES? NO

If so, please list dates of service, branch of service and date and type of discharge:

9. HAVE YOU EVER BEEN ARRESTED, CHARGED OR HELD BY FEDERAL, STATE OR OTHER LAW ENFORCEMENT AUTHORITIES FOR VIOLATION OF ANY FEDERAL LAW, STATE LAW, COUNTY OR MUNICIPAL LAW, REGULATION OR ORDINANCE (EXCLUDING TRAFFIC VIOLATIONS FOR WHICH A FINE OF \$100 OR LESS WAS IMPOSED)? NO

10. DISPOSITION OF ANY INTERESTS THAT MIGHT HAVE PRESENTED A POTENTIAL CONFLICT OF INTEREST FOR THIS POSITION.

NONE

Return to: Mary Holladay
Appointment Secretary
Office of the Governor
2nd Floor, State Capitol
Topeka, KS 66612

Robert C. Hansen
Signature



APR 9 1992

BILL GRAVES
SECRETARY OF STATE

KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF SUBSTANTIAL INTERESTS FOR INDIVIDUALS WHOSE

APPOINTMENT TO STATE OFFICE IS SUBJECT TO SENATE CONFIRMATION

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by each person who appointment to a state position is subject to Senate confirmation (K.S.A. 46-247 and 46-248). Failure to complete and return this statement may result in a fine of \$10 per day for each day remains unfiled. Also, any individual who intentionally fails to file as required by law, intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 913-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

H A R D E R R O B E R T C

Last Name

First Name

MI

D O R O T H Y L O U

Spouse's Name

1 4 2 0 W A R D P A R K W A Y

Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number

T O P E K A K S 6 6 6 0 4

City, State, Zip Code

9 1 3 ** 2 7 2 ** 8 7 2 6

Home Phone Number

9 1 3 ** 2 7 3 ** 7 5 0 0

Business Phone Number

B. APPOINTED POSITION SUBJECT TO SENATE CONFIRMATION: (Not subject to Senate Confirmation)

H E A L T H C A R E C O M M I S S I O N

List Name of Agency, Commission or Board

C H A I R M A N

Position

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

* 2 0 0 6

OWNERSHIP INTERESTS: List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "C", check here ____.

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1. Farm Caldwell, KS	Rental property	Owner	— — You — — Spouse <input checked="" type="checkbox"/> — Jointly	100
2. Farm Caldwell, KS White Bend, MO	Rental property	Owner	<input checked="" type="checkbox"/> — You — — Spouse — — Jointly	100
3.			— — You — — Spouse — — Jointly	
4.			— — You — — Spouse — — Jointly	
5.			— — You — — Spouse — — Jointly	
6.			— — You — — Spouse — — Jointly	
7.			— — You — — Spouse — — Jointly	

D. GIFTS OR HONORARIA: List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.

If you have nothing to report in Section "D", check here ☒.

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.

If you have nothing to report in Section "E"1, check here ____.

4. K.U.

Capital Center Topeka Teaching

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. SRS - St. of KS	Docking State Off. Bldg.	Administrator
2. Menningers	Topeka, KS	Consulting
3. United Methodist Health Min. Fund	Hutchinson, KS	Consulting

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.

If you have nothing to report in Section "E"2, check here ____.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. Washburn U. - Sch. of Law	Topeka, KS	Dir of Admissions
2.		

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section. If you have nothing to report in Section "F", check here ☒.

BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.		
2.		
3.		
4.		
5.		

- G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commission to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of partnership, it is the partner's proportionate share of the business, and hence of the fee which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.
- If you have nothing to report in Section "G", check here ☒.

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
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H. **DECLARATION:**

I, Robert C. Harder, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

4/9/92

Date

Robert C Harder

Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES ____.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.

ROBERT C. HARDER

Education

B.A. Baker University, 1951
M.T. Perkins School of Theology, Southern Methodist University, 1954
Th. D. Boston University, 1958

Professional Experience

Oct. 9, 1992	Secretary, Department of Health and Environment, State of Kansas
1991 - 1992	The Menninger Foundation, Topeka, Kansas
1989 - Present	Consultant, Mainstream Inc., (Training and Education) Topeka, Kansas
1989 - 1991	Special Assistant to the President, Baker University
1/14/1991 - 8/1/1991	Acting Secretary, Department of Social Rehabilitation Services, State of Kansas
1987 - 1989	Projects Administrator, Topeka State Hospital
1973 - July 1987	Secretary, Department of Social and Rehabilitation Services, State of Kansas
1987 - Present	Adjunct Professor, University of Kansas, Department of Public Administration
1971 - 1987	Instructor, University of Kansas School of Social Welfare
1969 - 1973	Director, Department of Social Welfare, State of Kansas
1968 - 1969	Director, Community Resources Development, League of Kansas municipalities
1967 - 1968	Technical Assistance Coordinator, Office of the Governor, State of Kansas
1965 - 1967	Director, Topeka Office of Economic Opportunity
1964 - 1969	Instructor, Washburn University
1964 - 1965	Research Associate, The Menninger Foundation
1961 - 1967	Representative, Kansas House of Representatives
1958 - 1964	Pastor, East Topeka United Methodist Church

Robert C. Harder

Organizations

Kansas Action for Children
Kansas Committee for the Prevention of Child Abuse
Kansas Conference on Social Welfare
Kansas East Conference of United Methodist Church, Elder
Kansas State Employees Health Care Commission
American Society for Public Administration
Rotary Club of Topeka
Shawnee County Association for Mental Health
NAACP

Present/Past Board Memberships

Topeka Day-Care Association
Topeka Legal Aid Society
Topeka Association for Retarded Citizens
Topeka Boys Club
Topeka Institute on Urban Affairs
Kansas State Employment Security Review Board
Kansas Cooperative Area Manpower Committee
Statewide Health Coordinating Council
Topeka Welfare Planning Council
Board of Trustees, Baker University
Corporation for Change
East Topeka United Methodist Church/Fellowship, Inc.
Mainstream, Inc.
Kansas Commission on Children, Youth and Families

Awards

1991 Employer of Excellence Honoree, Topeka, Kansas YWCA
1991 Honorary Doctorate of Humane Letters, Ottawa University, Ottawa, Kansas
1989 Certificate of Appreciation from Governor of Kansas, Mike Hayden and Secretary of Social and Rehabilitation Services, Winston Barton for 27 years of Dedicated and Meritorious Service to the State of Kansas
1987 Certificate of Recognition from Governor of Kansas, Mike Hayden
1987 Certificate of Recognition from Governor of Kansas, John Carlin
1987 Special Commendation, Kansas Senate
1987 Special Commendation, Kansas House of Representatives
1987 Person of the Year, Kansas Conference on Social Welfare
1987 Certificate of Recognition Association for Retarded Citizens of Kansas
1987 The Outstanding Public Official of the Year Award from the Association of Community Mental Health Centers of Kansas
1987 Certificate of Appreciation, Kansas Association of Licensed Private Child-care Agencies
1987 Certificate of Appreciation from the Kansas Association of the Blind and Visually Handicapped
1987 Certificate of Appreciation, Kansas Advisory Committee on Hispanic Affairs
1987 Certificate of Outstanding Service, Kansas Industries for the Blind

Robert C. Harder

Awards (continued)

1986 Certificate of Appreciation, The Kansas Association for the Education of Young Children
1983 Honorary Doctorate of Humane Letters, Baker University, Baldwin City, Kansas
1983 Certificate of Appreciation, Kansas Neurological Institute
1983 Certificate of Appreciation, Kansas Chapter of the Harvest America Corporation
1982 Certificate of Appreciation Indo Chinese Refugees in the State of Kansas
1981 Certificate of Appreciation, Kickapoo Tribal Council
1980 Public Administrator of the Year, Kansas Chapter of the American Society for Public Administration
1978 Distinguished Service Award, State of Kansas, Governor Robert Bennett
1965 Romana Hood Award for Outstanding Services in Social Service in Topeka, Kansas
1965 Man of the Year in Religion in Kansas, Midway Magazine and Topeka Capital Journal
1963 Distinguished Service Award, East Topeka Civic Association

Personal

Date of Birth: June 4, 1929
Place of Birth: Horton, Kansas
Married: Dorothy Lou Welty, 1953
Two children - Anne and James David

Article 1.—SECRETARY OF HEALTH
AND ENVIRONMENT, ACTIVITIES

GENERAL POWERS AND FUNCTIONS

65-101. Health supervision; investigation of causes of disease, sickness and death; sanitation inspections; prevention of spread of disease; outreach services; rules and regulations; injunction. (a) The secretary of health and environment shall exercise general supervision of the health of the people of the state and may:

K.S.A. 1991 Supp.

(1) Where authorized by any other statute, require reports from appropriate persons relating to the health of the people of the state so a determination of the causes of sickness and death among the people of the state may be made through the use of these reports and other records;

(2) investigate the causes of disease, including especially, epidemics and endemics, the causes of mortality and effects of locality, employments, conditions, food, water supply, habits and other circumstances affecting the health of the people of this state and the causes of sickness and death;

(3) advise other offices and agencies of government concerning location, drainage, water supply, disposal of excreta and heating and ventilation of public buildings;

(4) make sanitary inspection and survey of such places and localities as the secretary deems advisable;

(5) take action to prevent the introduction of infectious or contagious disease into this state and to prevent the spread of infectious or contagious disease within this state;

(6) provide public health outreach services to the people of the state including educational and other activities designed to increase the individual's awareness and appropriate use of public and other preventive health services.

(b) The secretary of health and environment may adopt rules and regulations necessary to carry out the provisions of paragraphs (1) through (6), inclusive, of subsection (a). In addition to other remedies provided by law, the secretary is authorized to apply to the district court, and such court shall have jurisdiction upon a hearing and for cause shown to grant a temporary or permanent injunction to compel compliance with such rules and regulations.

History: L. 1885, ch. 129, § 4; L. 1907, ch. 379, § 1; R.S. 1923, 65-101; L. 1974, ch. 352, § 1; L. 1981, ch. 240, § 1; L. 1989, ch. 184, § 1; July 1.

Attorney General's Opinions:

Cited in reference to KDHE administration of National Pollutant Discharge Elimination System. 87-130.

Physician-patient privileged communication; inmates; physician justified in notifying officials when necessary to protect health of other inmates. 87-139.

Secretary of health and environment, activities; water supply and sewage; implementation of clean water act; N.P.D.E.S. program. 87-154.

65-102. Registration of vital statistics and diseases; forms. The secretary of health and environment shall supervise the registration of marriages, births and deaths, and also the registration of forms of disease prevalent in the state; and the director of the division of health shall superintend the registration of the vital statistics of the state.

The secretary of health and environment shall prepare the blank forms necessary for obtaining and preserving such records, and forward them to the health officers of local boards as may be required by physicians, appraisers, local boards, and others whose duty it is to gather information in relation to the vital statistics of the state.

History: L. 1885, ch. 129, § 5; R.S. 1923, 65-102; L. 1974, ch. 352, § 2; L. 1979, ch. 188, § 1; July 1.

Cross References to Related Sections:

Uniform vital statistics act, see ch. 65, art. 24.

Research and Practice Aids:

Health 34.

C.J.S. Health §§ 26, 28.

65-102a. Materials relating to environmental concerns; public inspection; copies; fee, approval; disposition of moneys. All correspondence, written materials or other documents relating to environmental concerns, for which public release of such information is not prohibited, shall be available for public inspection in the offices of the secretary of health and environment during regular office hours. Copies of such correspondence, written materials or other documents shall be made available upon request and payment of a fee for each page so provided in an amount fixed by the secretary of health and environment and approved by the director of accounts and reports under K.S.A. 45-204, except that no charge shall be made to any member of the legislature obtaining such copies for his or her official use and no charge shall be made for fact sheets and other materials required by federal law or regulation to be supplied to the public. The secretary shall remit all moneys received by him or her from such fees to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state general fund.

History: L. 1973, ch. 240, § 1; L. 1975, ch. 462, § 69; L. 1978, ch. 347, § 9; July 1.

Cross References to Related Sections:

Disclosure of information relating to sources of discharges of water pollutants, see 65-170g.

Confidentiality of records concerning air contaminant sources, see 65-3015.

65-102b. Confidentiality of information concerning noninfectious diseases; disclosure. Information concerning noninfectious diseases obtained by the secretary under K.S.A. 65-102 is confidential and shall not be disclosed except as provided in this section. The secretary may disclose information concerning noninfectious diseases obtained under K.S.A. 65-102: (a) Upon the consent, in writing, of the person who is the subject of the information, or if such person is under 18 years of age, by such person's parent or guardian; or (b) upon the request of an organization or scholarly investigator for legitimate research or data collection purposes so long as such information is disclosed in a manner which will not reveal the identity of the persons who are the subject of the information.

History: L. 1982, ch. 252, § 1; July 1.

65-103. Special sanitary service. The secretary of health and environment shall when he thinks best to do so appoint committees, or engage suitable persons to render special sanitary service, to make or supervise practical or scientific investigations and examinations requiring expert skill, and to prepare plans and report thereon. It is hereby made the duty of all officers and agents having the control, charge or custody of any public structure, work, ground or erection, or any plan, description, outline drawings, charts thereof or relating thereto, made, kept or controlled under any public authority, to permit and facilitate any examination and inspection ordered by said secretary, and such other officer or person as may at any time be by said secretary authorized, may without fee or hindrance enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings, and places; but the legislature shall first determine the amount which shall be expended during the year for such special sanitary work, and the expenditures shall not exceed the amount thus determined and set apart for the year.

History: L. 1885, ch. 129, § 6; R.S. 1923, 65-103; L. 1974, ch. 352, § 3; July 1.

65-103a. Authority to receive federal or other funds. The secretary of health and environment is hereby authorized to receive grants of money and funds appropriated under any federal act or from any other source.

History: L. 1943, ch. 267, § 1; L. 1970, ch. 245, § 1; L. 1974, ch. 352, § 4; July 1.

Chapter 65.—PUBLIC HEALTH

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Department of Health and Environment

Robert C. Harder, Secretary

February 8, 1993

Carol Williams, Executive Director
KS Commission on Governmental Standards & Conduct
109 SW 9th - 5th Floor
Topeka, KS 66612-1287

Dear Ms. Williams:

I am filing a corrected Statement of Substantial Interests for state employees.

Through the filing of my statement January 28, 1993, with the U. S. Department of the Interior, I became aware of the necessity for listing shares of stock held by my wife, Dorothy L. Harder in her trust. These stocks did not become available for my wife's trust prior to the death of her mother in 1990. I made a mistake in my filing of April 1992, as I filed in my capacity as a member of the Kansas State Employees Health Care Commission. I want to correct that mistake.

The stocks held by my wife are held in a trust dated November 21, 1990. As Secretary of KDHE, I was responsible for reporting substantial interests to the U. S. Department of the Interior. I became aware of the fact that my wife's holdings in trust were not a part of my listing of Kansas substantial interests. I have access to the trust only in the sense of being able to pay for maintenance if she were disabled. The shares as listed in the filing with the U. S. Department of the Interior and my corrected Statement of Substantial Interests are correct, to the best of my knowledge.

If there is anything additionally I need to do, please let me hear from you.

Sincerely yours,

A handwritten signature in cursive script, reading "Robert C. Harder".

Robert C. Harder
Secretary

pc: The Honorable Joan Finney
Mary Holladay, Office of the Governor
The Honorable Bud Burke
The Honorable Robert Miller
The Honorable Sandy Praeger
The Honorable Don Sallee

- C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "C", check here ____.

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1. Consolidated Edison Company of New York, Inc.	Power Generator	400 Shares	<input checked="" type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
2. Empire District Electric Company	Power Generator	200 Shares	<input type="checkbox"/> You <input checked="" type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
3. Exxon Corporation	Oil	952 Shares	<input type="checkbox"/> You <input checked="" type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
4. Western Resources	Power Generator	1000 Shares	<input type="checkbox"/> You <input checked="" type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
5.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
6.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	
7.			<input type="checkbox"/> You <input type="checkbox"/> Spouse <input type="checkbox"/> Jointly	

- D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.

If you have nothing to report in Section "D", check here X.

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.
If you have nothing to report in Section "E"1, check here ____.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. Menninger Foundation	5800 SW 6th, Topeka KS	Psychiatric Services
2. KPERS	400 SW 8th, Topeka KS	Retirement

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.
If you have nothing to report in Section "E"2, check here ____.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. Washburn Law School	1700 College, Topeka, KS	Law Training
2.		

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section.
If you have nothing to report in Section "F", check here ____.

BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1. Mainstream, Inc, 3600 SW Burlingame, Topeka, KS	Director (with no reimbursement)	Self
2.		
3.		
4.		
5.		

- G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here X .

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. **DECLARATION:**

I, Robert C. Harder, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

2/8/93

Date

Robert C. Harder

Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES .

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.



Department of Health and Environment

[REDACTED], Secretary
Robert C. Harder

Reply to:

January 28, 1993

United States Department of the Interior
Office of Surface Mining
Reclamation and Enforcement
Division of Personnel
Attn: AEC
1951 Constitution Ave., NW, Rm. 44S
Washington, DC 20240

Ethics Counselor:

This letter is directed to your office to meet the requirements of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) as implemented by 30 CFR 705.4(5), amended October 17, 1986, and as further detailed in a December 5, 1990, letter from the Ethics Counselor.

The state programs operating under SMCRA are administered by the Kansas Department of Health and Environment (KDHE). I serve as Secretary of the Department of Health and Environment, appointed by the Governor. As the head of the state administering agency, I enclose my completed Form OSM-23, Statement of Employment and Financial Interests.

In addition, a Form OSM-23 has been completed for each KDHE employee who performs functions or duties under SMCRA. These completed forms are on file in the Office of the General Counsel, KDHE, and each has been reviewed to determine compliance with SMCRA.

I believe that the above actions fulfill the state's responsibilities in assuring that state employees' financial interests do not conflict with SMCRA regulations.

Sincerely,

A handwritten signature in cursive script, reading "Robert C. Harder".

Robert C. Harder
Secretary

RCH/slv

UNITED STATES DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Approved by OMB
CN 1029-0067
Expires: 5/31/93

Statement of Employment and Financial Interests (For Use by State Employees)

1. Name (Last, First, Initial) Harder, Robert C.	2. Title of Position Secretary
3. Date of Appointment (in present position) 10/92	4. Bureau/Office KS Dept of Health and Environment
5. Duty Station/Office Location Landon State Office Bldg, Rm 901, Topeka, KS 66612	6. Telephone 913/296-0461 7. Calendar Year Covered 1993

Before completing this form, see instructions on the back

Part I. EMPLOYMENT AND FINANCIAL INTERESTS. List the names of business entities, nonprofit organizations, educational and other institutions in which you, your spouse, minor child or other relatives who are full-time residents of your immediate household have (1) an interest as an employee, officer, owner, director, trustee, partner, advisor, or consultant; (2) a continuing financial interest, through a pension or retirement plan, individual retirement account, shared income, or other arrangement as a result of any current or prior employment; (3) any financial interest through the ownership of stock, stock options, bonds, securities or other arrangements including trusts.

☐ Check box if you have none to report.

Code J, S, C, or O	Name of Organization	Description of Interest	Nature of Employment and Financial Interest
	See Attachment		

Part II. REAL PROPERTY. List interests in real property or rights (e.g., lease, royalty, mineral) in lands, in which you, your spouse, minor child or other relatives who are full-time residents of your immediate household have an interest. Exclude property which you occupy as a personal residence. Personal residence means any real property used exclusively as a private dwelling by you or your spouse, which is not rented for any period during the calendar year. There may be more than one personal residence, and the term may include a vacation home. The term is not limited to domicile.

☒ Check box if you have none to report.

Code J, S, C, or O	Nature of Interests, (e.g., ownership, mortgage, lien, investment trust, mineral rights)	Description of Interest, (e.g., residence, hotel, apartment, farm, undeveloped land, recreation)	Location of interest (county and state)

Part III. CREDITORS. List the names of creditors to whom you, your spouse, minor child or other relatives who are full-time residents of your immediate household are indebted. Exclude debts for a mortgage on property occupied as a personal residence or debts for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses.

☒ Check box if you have none to report.

Code J, S, C, or O	Name and Address of Creditor	Nature of Indebtedness (e.g., personal loan, note, security, etc.)

Part IV. EMPLOYMENT CERTIFICATE. To the best of my knowledge, none of the employment and financial, real property, or creditor interests listed in Parts I through III represent an interest in an underground or surface coal mining operation except as follows:

☒ Check box if you have none to report.

Code J, S, C, or O	Nature of Interest (e.g., employment, mineral rights, undeveloped land, etc.)

I CERTIFY that the statements I have made are true, correct, and complete to the best of my knowledge and belief.

Signature of Employee

Robert C. Harder

Date **1/13/93**

NOTE: For interest other than your own, identify the ownership of each reported interest by using (J) for joint ownership with spouse, minor child or other relatives, (S) for spouse, (C) for minor child or (O) for other relatives who are full-time residents in your immediate household.

PART V. REVIEWER'S CERTIFICATE. Review completed, prohibited interests, if any, have been resolved, and determination made that no other prohibited interests have been identified from the statement.

Reviewer's comments, if any, to show the basis for decision:

Signature of Reviewer	Date
-----------------------	------

PRIVACY and PAPERWORK REDUCTION ACT NOTICE

Section 517(g) of Public Law 95-87 SURFACE MINING CONTROL AND RECLAMATION ACT and 30 CFR 705 constitute the authority for collecting the personal data of this statement of employment and financial interests. This data must be furnished. Knowing failure to file or report information required may subject you to disciplinary action by your employing agency or other appropriate authority. Knowing failure to file or report information required may subject you to criminal prosecution under 30 U.S.C. 1267, leading to a fine of not more than \$2,500 or imprisonment for not more than one year or both.

The information gathered from the statement will be used to determine whether there are any direct or indirect financial interests in violation of Section 517(g) of Public Law 95-87.

Maintenance of the statement by the State regulatory authority is subject to State law. Pursuant to 30 CFR 705 the statement may be inspected by or provided to representatives of the U.S. Department of the Interior.

If the statement is provided to the U.S. Department of the Interior, the statement will be subject to the requirements of Federal law, including the Privacy Act of 1974, 5 U.S.C. 552a. The U.S. Department of the Interior may make routine disclosures (1) from the records of an individual in response to an inquiry from a Congressional office made at the request of that individual; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation involving the records or the subject matter of the records; and (3) to appropriate State and Federal law enforcement agencies.

Public reporting burden for this form is estimated to average 20 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to Information Collection Officer, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, D.C. 20240; and the Office of Management and Budget, Paperwork Reduction Project CN 1029-0067, Washington, D.C. 20503.

GENERAL INSTRUCTIONS

Report all interests held at any time during the calendar year. Indicate which interests were sold. When there is insufficient space on this form to provide the required information, use attachments as necessary. In the event any of the required information is not known to you, but is known to another person (e.g., trustee, accountant, relative, etc.), you should request that other person to submit the information on your behalf. Please report such a request on your statement. Give the name and address of the other person, and include the date of your request. Briefly explain the situation and the subject matter requested.

Exclusions: You are not required to submit any information relating to any connection with, or interest in, a professional society, a charitable, religious, social, fraternal, recreational, public service, civil, or political organization or any similar organizational UNLESS the organization owns or conducts a coal mining operation. Educational and other institutions doing research and development or related work involving grants or money from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

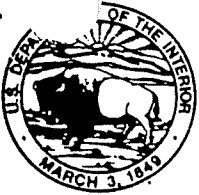
You may exclude: (1) holdings in a widely diversified mutual funds, investment clubs, or regulated investment companies not specializing in underground or surface coal mining operations, (2) Savings or deposits in banks, credit unions, building and loan associations, or insurance companies, (3) Debts owed to financial institutions (banks, savings and loan associations, credit unions and the like) which are chartered to provide commercial or personal credit, and (4) Retirement plans from which you, your spouse, or other relatives who are full-time residents of your immediate household received a guaranteed income. A guaranteed income is one which is unlikely to be changed as a result of actions taken by the State regulatory authority.

If your official duties may bring you in contact with business entities, nonprofit organizations, or other institutions with which your spouse, minor child or other relatives who are full-time residents of your immediate household have either an employment or creditor relationship, you should provide enough information about the situation to allow the reviewer to determine the potential for an indirect financial interest.

0000

Common stock holdings in the Dorothy L. Harder Trust under Trust Agreement dated November 21, 1990 follow:

Consolidated Edison Company of New York, Inc.	400
Empire District Electric Company	200
Exxon Corporation	952
Western Resources	1,000



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
WASHINGTON, D.C. 20240



DEC 17 1992



Dr. Azzie Young
Secretary -
Department of Health and Environment
Landon State Office Building
900 S.W. Jackson
Topeka, Kansas 66612-1290

Dear Mr. Young:

This is to remind you of your responsibilities under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) relating to "Restriction on Financial Interests of State Employees," which was published in the Federal Register on October 20, 1977, (30 CFR Part 705) and amended on October 17, 1986, and September 17, 1991.

These regulations make compliance with financial interest requirements a condition of employment for all State regulatory authority employees who perform functions or duties under the Act. Therefore, new employees hired, appointed or transferred to perform functions or duties under the Act will be required to file a financial statement, Form OSM-23, "Statement of Employment and Financial Interests (For use by State Employees)," at the time of entrance on duty and thereafter annually. Enclosed are copies of the Form OSM-23, which may be reproduced locally.

The responsibilities of the heads of each State regulatory authority are:

- Identify the positions whose incumbents perform functions or duties under the Act and submit a list of these positions no later than September 30 of each year. **If this has not been completed for 1992, please do so now.**
- Notify employees covered under SMCRA and provide forms to them as they enter on duty and by December 15 of each year for the annual filing.
- Provide the name, address, and telephone number of a State official who can give advice and counseling to covered employees on SMCRA prohibitions and filing requirements.
- Ensure that each completed statement is received no later than February 1 of each year and is reviewed for compliance under SMCRA.

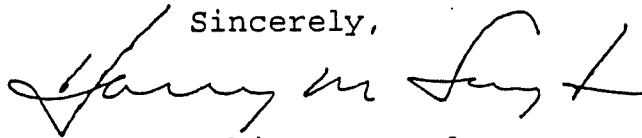
- File your statement with me at the address listed below no later than February 1 of each year.
- Provide the number of employees required to file statements for Calendar Year 1992 and the status of the certification of their statements (30 CFR Part 705.4(a)(5)), no later than May 3, 1993. The information obtained will be used in our annual report to Congress.

Please mail the requested information to the following address:

Office of Surface Mining
Ethics Office, Attn: AEC
1951 Constitution Avenue, NW, Room 222
Washington, DC. 20240

Should you have any questions on any aspect of your State Ethics Program, please do not hesitate to contact either Ann Chapman, Deputy Ethics Counselor, or Peggy Moran-Gicker, Associate Ethics Counselor, at (202) 208-4608.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary M. Fay".

Ethics Counselor

Enclosure

State of Kansas

Joan Finney, Governor



Department of Health and Environment

February 9, 1993

Robert C. Harder, Secretary

Carol Williams, Executive Director
KS Commission on Governmental Standards & Conduct
109 SW 9th - 5th Floor
Topeka, KS 66612-1287

Att: Janet Williams

Dear Ms. Williams:

I am filing a corrected Statement of Substantial Interests for state employees.

Through the filing of my statement January 28, 1993, with the U. S. Department of the Interior, I became aware of the necessity for listing shares of stock held by my wife, Dorothy L. Harder in her trust. These stocks did not become available for my wife's trust prior to the death of her mother in 1990. I made a mistake in my filing of April 1992, as I filed in my capacity as a member of the Kansas State Employees Health Care Commission. I want to correct that mistake.

The stocks held by my wife are held in a trust dated November 21, 1990. As Secretary of KDHE, I was responsible for reporting substantial interests to the U. S. Department of the Interior. I became aware of the fact that my wife's holdings in trust were not a part of my listing of Kansas substantial interests. The shares as listed in the filing with the U. S. Department of the Interior and my corrected Statement of Substantial Interests are correct, to the best of my knowledge.

If there is anything additionally I need to do, please let me hear from you.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Robert C. Harder".

Robert C. Harder
Secretary

pc: The Honorable Joan Finney
Mary Holladay, Office of the Governor
The Honorable Bud Burke
The Honorable Robert Miller
The Honorable Sandy Praeger
The Honorable Don Sallee

C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "C", check here ____.

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM **	PERCENT OF OWNERSHIP INTERESTS
1. Consolidated Edison Company of New York, Inc.	Power Generator	400 Shares	____ You ____ Spouse ____ Jointly	
2. Empire District Electric Company	Power Generator	200 Shares	____ You ____ Spouse ____ Jointly	
3. Exxon Corporation	Oil	952 Shares	____ You ____ Spouse ____ Jointly	
4. Western Resources	Power Generator	1000 Shares	____ You ____ Spouse ____ Jointly	
5. Welty Farmland Malta Bend, MO	Rental Farmland	Sole Owner	____ You ____ Spouse ____ Jointly	
6.			____ You ____ Spouse ____ Jointly	
7.			____ You ____ Spouse ____ Jointly	

**See Trust Statement from Austin Nothorn

D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.
If you have nothing to report in Section "D", check here X.

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.

If you have nothing to report in Section "E"1, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	Menninger Foundation	5800 SW 6th, Topeka, KS	Psychiatric Services
2.	KPERS	400 SW 8th, Topeka, KS	Retirement

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. If you have nothing to report in Section "E"2, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	Washburn Law School	1700 College, Topeka, KS	Law Training
2.			

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section. If you have nothing to report in Section "F", check here ____.

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.	Mainstream, Inc., 3600 SW Burlingame, Topeka, KS	Director (with no reimbursement)	Self
2.			
3.			
4.			
5.			

- G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. *The phrase "client or customer" relates only to businesses or combination of businesses.* In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.
- If you have nothing to report in Section "G", check here X.

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. **DECLARATION:**

I, Robert C. Harder, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

2-9-93

Date

Robert C. Harder
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES ____.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.

LAW OFFICES
COFFMAN, DEFRIES & NOTHERN
A PROFESSIONAL ASSOCIATION
SUITE 408 CAPITOL TOWER
400 SOUTHWEST EIGHTH AVENUE
TOPEKA, KANSAS
66603-3956

H. HURST COFFMAN, J.D.
S. LUCKY DE FRIES, J.D.
AUSTIN NOTHERN, J.D., LL.M.
RICHARD HARMON, J.D.
SUSAN J. KREHBIEL, J.D.

TELEPHONE (913) 234-3461
FAX (913) 234-3363
BARNEY J. HEENEY, JR., LL.M. (RET.)
J. R. GROFF, J.D. (RET.)
HAROLD R. SCHROEDER, J.D. (1986)
LEONARD H. AXE, S.J.D. (1975)

February 9, 1993

Ms. Carol Williams
Executive Director
Kansas Commission on
Governmental Standards
and Conduct
Attn.: Ms. Janet Williams
109 S.W. Ninth, 5th Floor
Topeka, Ks 66612-1287

Dear Ms. Williams:

We are writing you at the request of Robert C. Harder pursuant to your conversation with him on February 8, 1993. Our office assisted Mrs. Dorothy L. Harder, Robert's wife, in setting up her living Trust, and he has asked that we describe for you its essential characteristics.

The Dorothy L. Harder Trust was established November 21, 1990, with Dorothy L. Harder and Robert C. Harder as Co-Trustees. As a Co-Trustee, Mr. Harder cannot take any independent action by himself without his wife. The Trustees can only act jointly. All actions of a Trustee are subject to a number of fiduciary duties and limitations, including a prohibition against a Trustee acting in his own interest.

Mr. Harder has no current equitable or beneficial interest in the Trust. The payment of income or principal is subject solely to the control of Dorothy Harder. If Mrs. Harder should become disabled during her lifetime so that she could not act, then Robert Harder, as Trustee, could utilize trust assets for the maintenance, support, and health of Mrs. Harder and Mr. Harder, if necessary. The conditions under which the assets can be so used are known as "ascertainable standards" under Internal Revenue Service regulations and trust law rulings. The application of the standards in a particular case can be subjected to court review.

The Trust contains certain provisions for disposition of the Trust assets after the death of Mrs. Harder. If Mr. Harder

Ms. Carol Williams
February 9, 1993
Page 2

survives, there are provisions for continuation of the Trust during his lifetime, the income and principal to be used for his maintenance and support subject to the ascertainable standards previously mentioned.

If you need any additional information concerning the terms of the Trust, please feel free to contact me.

Yours very truly,

Original Signed By
AUSTIN NOTHERN

Austin Nothern
COFFMAN, DeFRIES & NOTHERN
A Professional Association

AN:mls

cc: The Hon. Joan Finney, Governor
Ms. Mary Holladay, Office of the Governor
The Hon. Bud Burke
The Hon. Robert Miller
The Hon. Sandy Praeger
The Hon. Don Sallee



Department of Health and Environment

Robert C. Harder, Secretary

Reply to:

Testimony presented to

Senate Energy and Natural Resources Committee

by

The Kansas Department of Health and Environment

Senate Bill 29

The Department of Health and Environment (KDHE) is pleased to provide testimony in support of Senate Bill 29 relating to the Kansas air quality program. Senate Bill 29 represents enabling legislation to update the Kansas air quality statutes to provide KDHE with the necessary authorities to implement the requirements of the federal Clean Air Act Amendments of 1990 (CAA). Failure to comply with these requirements can subject the state to federal sanctions including the loss of federal highway funds, the loss of federal air grant funds, withdrawal of existing air program approvals, and implementation of a federal program in Kansas in lieu of a continuing state program.

During mid-1991, KDHE convened a work group to guide the agency in preparing recommendations for legislation to update the Kansas air statutes. Representatives from the Office of the Revisor of Statutes, the legal and air program staff from KDHE, and the legal and air program staff from the U.S. Environmental Protection Agency served on this work group. The revisions proposed in Senate Bill 542 (which was introduced and considered by the 1992 Legislature but not enacted into law) were the product of that work group. Over the past year, KDHE has continued to work closely with a broad group of Kansans interested in air quality issues to further discuss and clarify the statutory revisions appropriate for implementing the federal CAA. The Clean Air Act Implementation Advisory Group formed by KDHE to assist in this effort recommended several additions to the revisions included in Senate Bill 542, as did agency staff. These newly-recommended provisions have been incorporated into Senate Bill 29.

While significant new program resources will be required by KDHE (and the local air agencies that provide support) to implement the requirements of the 1990 Amendments to the CAA, this complex new law is not expected to impact Kansas as significantly as many other states. The past success of the Kansas program in controlling air

pollution has prevented several of the major provisions of the Amendments from applying directly to Kansas. Conversely, the clean motor vehicle fuel provisions of the federal CAA will result in new opportunities to market Kansas products such as natural gas and ethanol-derived fuels that will be used to reduce urban pollution in many other areas of the United States. The information provided in the attachments to this testimony highlights the major requirements of the federal Amendments and provides insight into their applicability in Kansas. The substantive revisions proposed in Senate Bill 29 are those that must be made in the Kansas statutes in order to implement the mandatory requirements that do apply to Kansas. The most significant requirements occur in the following five areas:

1. Title V (Operating Permits) of the CAA Amendments requires that states develop and implement a broadened operating permit program for all major air pollution sources. Through the operating permit, Title V links the currently regulated major air emission source program with the applicable provisions of Title III (Hazardous Air Pollutants) and Title IV (Acid Rain) of the CAA Amendments. This provision is intended to result in more comprehensive and enforceable air permits issued on a five year basis and will require significant revisions to KDHE's existing major source air permit program. Changes are proposed in Senate Bill 29 to update the procedural requirements of the Kansas air permit program to be consistent with the new federal law.
2. Title V of the CAA Amendments also requires states to fund the new operating permit program with dedicated emission fees assessed on a "dollars per ton of emissions" basis. Because the air program in Kansas is less complex than those in the more heavily polluted areas of the country, the fees required in Kansas are expected to be less than in many other states. Revisions to existing fee authorities have been proposed to establish the framework for the emission fee and for the deposit of these funds into a dedicated fund for use in funding the air program as required by federal law. The larger emission sources in Kansas will primarily be affected by these fees.
3. The federal CAA Amendments require states to have specific enforcement authorities in order to effectively implement the provisions of the Act under state law. Senate Bill 29 proposes to update the current Kansas statutes to provide for administrative penalties of up to \$10,000 per violation per day and for appropriate criminal sanctions as required.

4. The CAA Amendments also require states to establish and implement a Small Business Technical and Environmental Compliance Assistance Program to assist small businesses in identifying and preventing environmental releases. This program is particularly important to Kansas businesses because the new hazardous air pollutant provisions of Title III of the CAA are expected to affect many small industries that have not been previously regulated. Senate Bill 29 contains revisions to the Kansas statutes that will provide for this program.
5. Several minor administrative changes are also proposed in Senate Bill 29 to update the statutory language, in general, and to make the air program procedures more consistent with the requirements of the Kansas Administrative Procedures Act.

The summary of the proposed changes attached to this testimony provides a more detailed listing of the proposed changes.

As noted earlier, the resources required to implement the new Title V operating permit program in Kansas are required by federal law to be provided by emission fees assessed among the major sources of air emissions. While the total fiscal impact of these new federal requirements cannot be precisely assessed until several additional federal regulations are published that define the process more specifically, KDHE has prepared a comprehensive implementation plan for this program that provides estimates of resource needs through FY 1996. The fiscal note provided with Senate Bill 29 provides information on the first year of this three-year plan.

The estimated funding trends for the air program in Kansas show a transition in the funding mechanisms from an existing combination of permit fees, state and local general funds, and federal grant funds to a system that is more predominantly supported by the new emission fees. Since these fees will be assessed on the basis of the quantity of emissions, the largest sources will be affected most directly by this change. Revenues from these fees will not be available until late in FY 94 because of the procedural restraints associated with the collection of emission fees. Therefore, the fiscal note included with Senate Bill 29 provides for a loan from the general fund early in FY 94 to be repaid during the latter half of the year when CAA fees become available.

In summary, the federal Clean Air Act requires all states, including Kansas, to begin a complex CAA implementation process that will unfold over the next 8-10 years. That segment of the federal law that will have the greatest impact upon the state's program within KDHE is the new Title V operating permit program. This program requires KDHE to submit a comprehensive plan for complying with Title V to the federal EPA by November 15, 1993, and to be prepared to begin processing new five-year operating permits for all major air sources in the state not more than one year thereafter. The state was also required to submit a plan for

implementing the mandatory CAA Small Business Technical Assistance Program by November 15, 1992. Because Kansas failed to enact enabling legislation authorizing this program last year, we have been found in violation of this provision and have received a formal notice of state program deficiency from the federal EPA. KDHE is particularly concerned about the delays in developing the small business assistance program as it is very important for help to be available to small businesses before the effective dates of the forthcoming complex CAA regulatory requirements. The first critical step in responding to these new requirements is the passage of enabling legislation. Because implementation time pressures upon KDHE have increased dramatically as a result of the loss of the air legislation proposed last year, we encourage the 1993 Legislature to not only look favorably upon Senate Bill 29 but to do so early in the session. Early enactment will provide KDHE the opportunity to begin immediately to meet the rapidly approaching federal deadlines and to correct the program deficiency already identified.

Presented by: Charles Jones
Division of Environment
January 21, 1993

**Summary of Statutory Revisions to the Kansas
Air Quality Statutes Proposed in Senate Bill 29
in Response to the
Federal Clean Air Act Amendments of 1990**

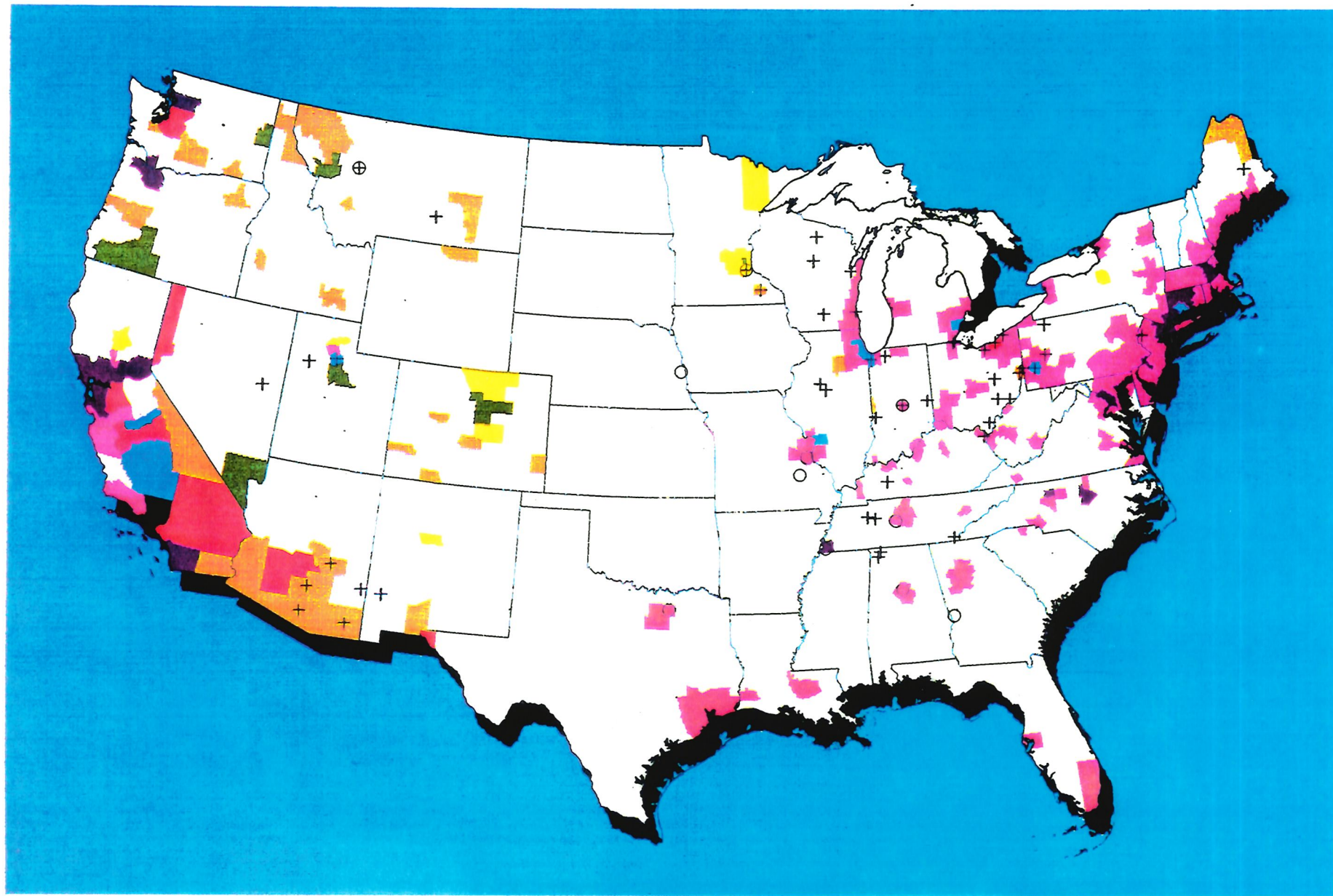
<u>SB 29 Section</u>	<u>SB 29 Page</u>	<u>Summary of Proposed Action</u>
1	1	Amends K.S.A. 65-3001 to provide for a more current format and to identify the Act as the Kansas Air Quality Act.
2	1-2	Amends K.S.A. 65-3002 to clarify additional terms used in the statute.
3	2-4	Amends K.S.A. 65-3005 to further clarify the Secretary's authorities under the Act.
4	4	Amends K.S.A. 65-3007 to further clarify the Secretary's authority to require monitoring of emission sources in response to a federal requirement.
5	4-7	Amends K.S.A. 65-3008 to rewrite the air quality permit process to provide in clear and concise language the requirements of the permit program.
New Section 6	7	Specifies the public comment procedures that apply to the permit program and clarifies the public role in comparison to the role of the permittee.
New Section 7	7-9	Specifies and clarifies those actions that the Secretary may take in administering the air permit program.

<u>SB 29</u> <u>Section</u>	<u>SB 29</u> <u>Page</u>	<u>Summary of Proposed Action</u>
New Section 8	9-10	Clarifies the Secretary's authority to collect emission fees to fund air quality activities. Establishes a dedicated fund for receiving emission fee revenues.
9	10-11	Amends K.S.A. 65-3011 to clarify the enforcement authorities of the Secretary in response to the federal requirements and updates outdated statutory language.
New Section 10	11-12	Provides a concise statement of unlawful acts in response to federal requirements and to make the statute more consistent with other environmental statutes.
New Section 11	12	Specifies criminal sanctions as required, generally, by federal law. The specific language was selected to be consistent with the Kansas hazardous waste laws.
12	12-14	Amends K.S.A. 65-3012 to provide an update of the Secretary's emergency authorities to replace outdated language. The specific language was patterned after the Kansas hazardous waste statutes.
13	14	Amends K.S.A. 65-3015 to update provisions relating to public access to agency records and to make these provisions consistent with the new federal requirements.
14	14-15	Amends K.S.A. 65-3018 to assure penalty authorities required by the federal act and to assure consistency with other environmental statutes.

<u>SB 29</u> <u>Section</u>	<u>SB 29</u> <u>Page</u>	<u>Summary of Proposed Action</u>
New Section 15	15-18	Creates the Small Business Stationary Source Technical and Environmental Compliance Assistance Program required by the federal Clean Air Act and establishes the procedural requirements for setting up this program. The specific language was derived heavily from the federal Act.
New Section 16	18	Insures current regulations remain effective until the new program is fully implemented.
17, 18, 19	18-19	Amends existing statutes to be consistent with the new statutory changes.
18	19	Deletes K.S.A. 65-3014 which set out procedures for promulgating rules and regulations. The procedures set out at K.S.A. 77-415 <u>et seq.</u> provide sufficient public participation to satisfy federal Act requirements.

Counties with Non-Attainment Areas

SUBJECT TO THE APPLICABLE REQUIREMENTS OF TITLES I AND II



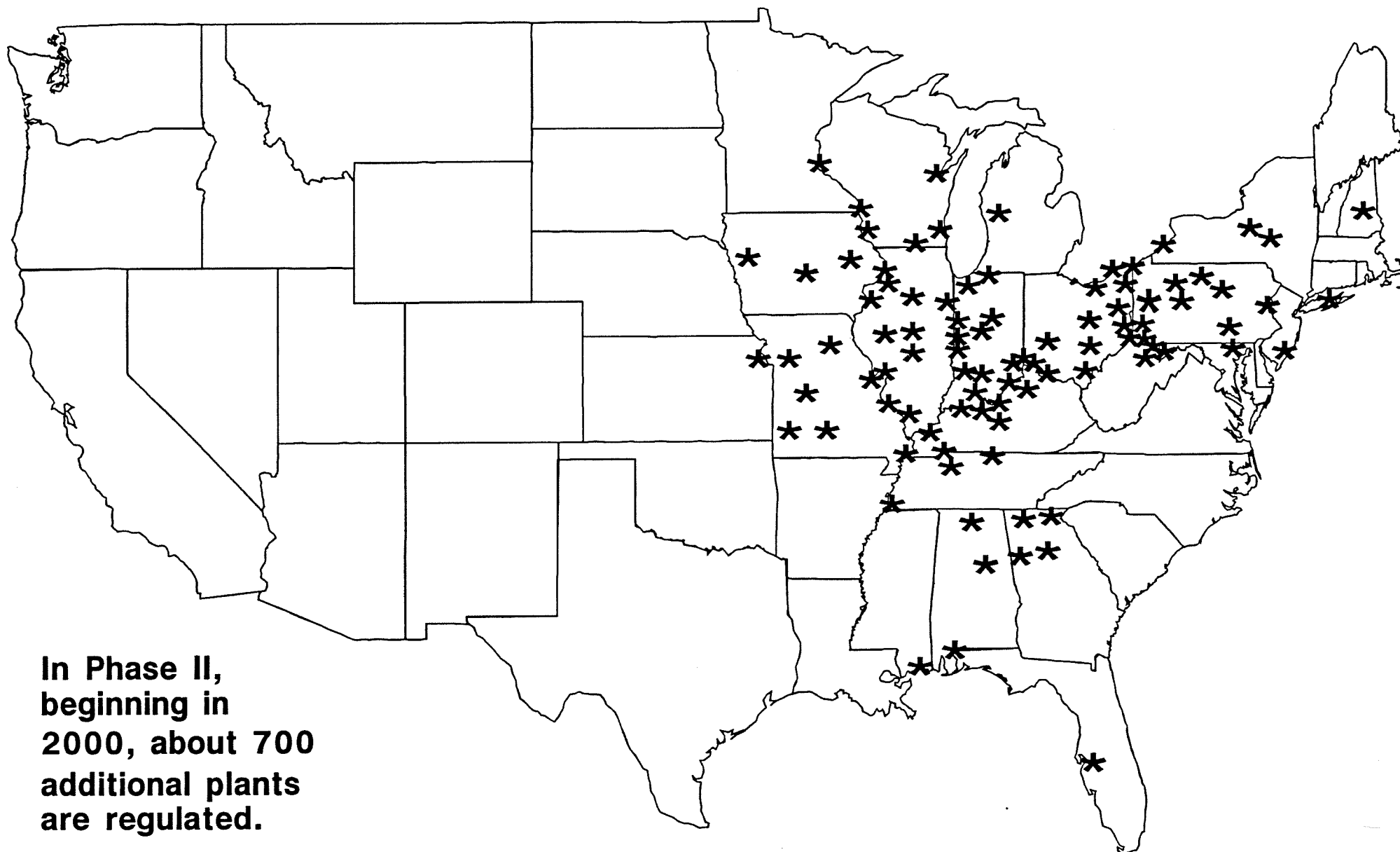
O3
 CO
 PM10
 O3 - CO
 O3 - PM10
 CO - PM10
 O3 - CO - PM10
 O3 - CO - PM10 - NO2
 + SO2
 ○ Pb

Glossary of Terms

- O₃ - Ozone; a component of photochemical smog
- CO - Carbon monoxide
- PM₁₀ - Particulate matter less than 10 microns in diameter
- NO₂ - Nitrogen dioxide
- SO₂ - Sulfur dioxide
- Pb - Lead

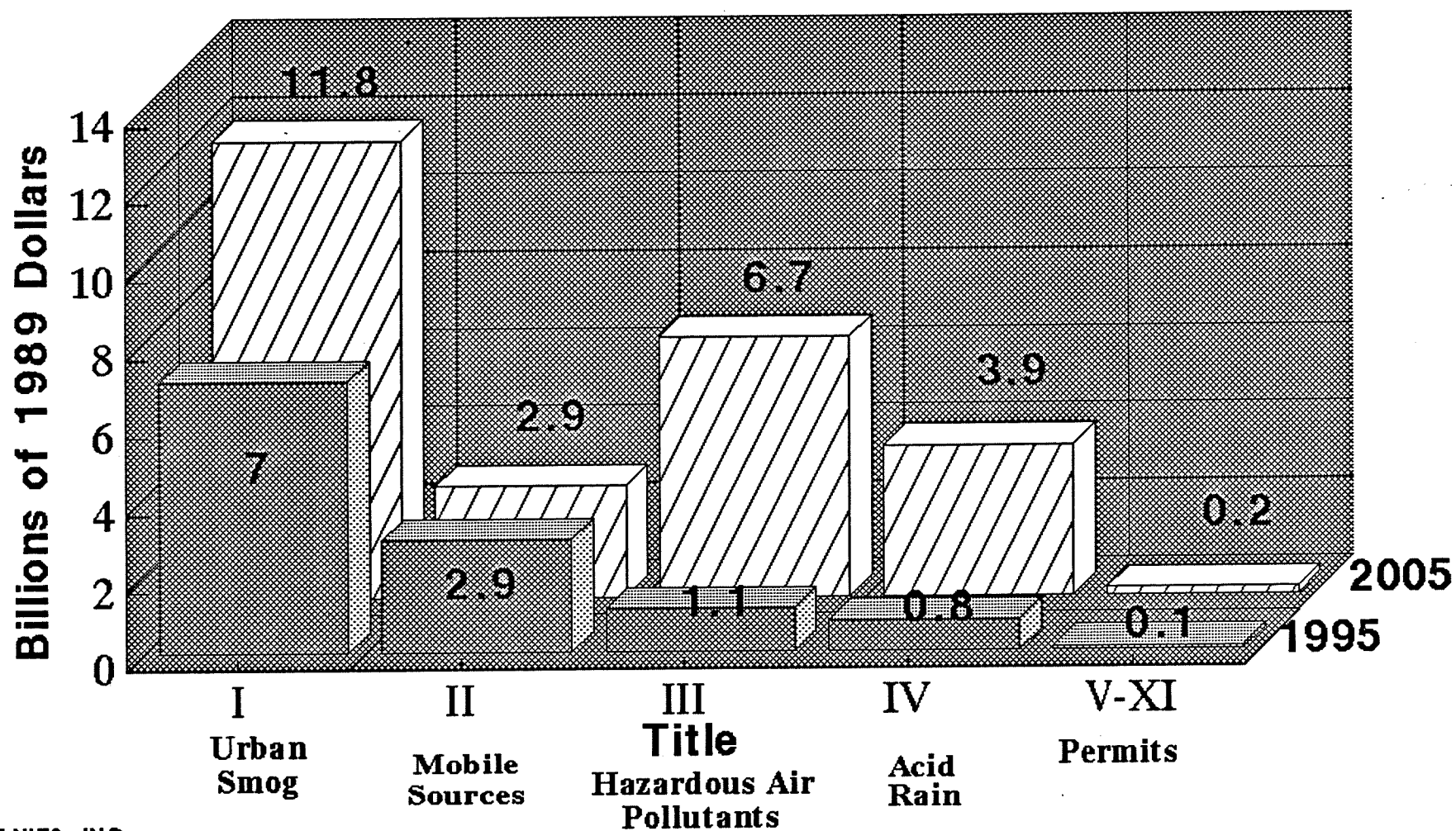
PHASE I PLANTS

**SUBJECT TO THE APPLICABLE REQUIREMENTS OF TITLE IV
1995-1999**



**In Phase II,
beginning in
2000, about 700
additional plants
are regulated.**

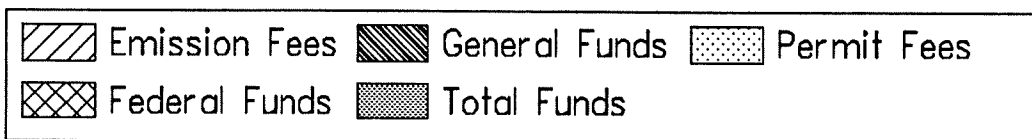
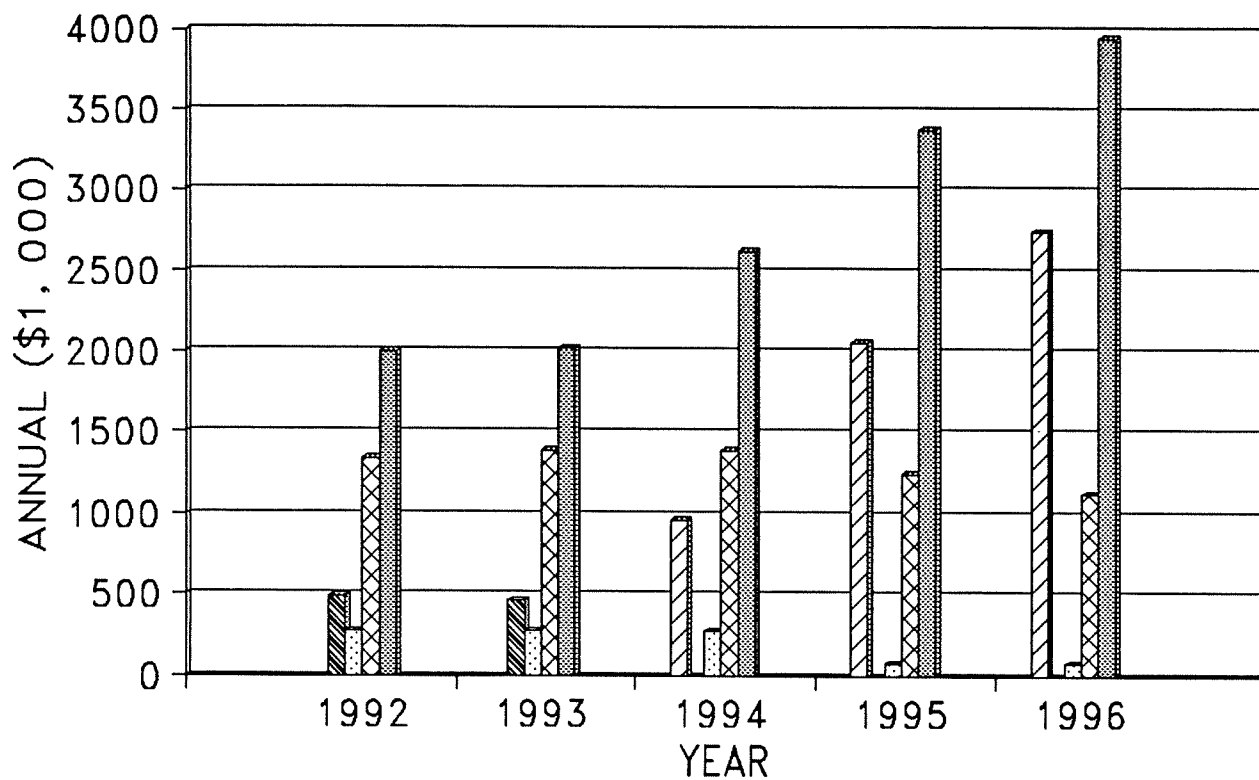
PROJECTED ANNUAL COST BREAKDOWN 1990 AMENDMENTS



Source:
TRC COMPANIES, INC.

KANSAS CLEAN AIR ACT IMPLEMENTATION RESOURCE TRENDS 1992-1996

State & Local Funds



**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
CLEAN AIR ACT IMPLEMENTATION ADVISORY GROUP**

	REPRESENTING	NAME	TITLE	ORGANIZATION
1	Board of Public Utilities	Adair, Larry	Manager, Electric Supply	Board of Public Utilities
2	Kansas Chamber of Commerce & Industry	Baird, Bob	Environmental Manager	General Motors Corp. - CTC Fairfax Plant
3	Wichita/Sg. Co. Dept. of Community Health	Brown, Jack	Environmental Health Director	Wichita/Sg. Co. Dept. of Community Health
4	Kansas Sierra Club	Cather, William	Chairman	Kansas Chapter of Sierra Club
5	Kansas Association for Small Business	Dial, Keith	Partner	Air Capital Plating, Inc.
6	Kansas Department of Commerce & Housing	Filter, Mikel	Director, Bus. Retention & Expansion	Kansas Department of Commerce & Housing
7	American Lung Association of Kansas	Garcia, Jayne	Program Director	American Lung Association of Kansas
8	Kansas Municipal Utilities, Inc.	Hanson, Gilbert, Jr.	General Manager	Kansas Municipal Energy Agency
9	Kansas Wildlife Federation, Inc.	Hazlett, Jerry	Executive Director	Kansas Wildlife Federation, Inc.
10	Western Resources	Kitchen, Wayne	Director, Env. Serv. & Indus. Hygiene	Western Resources
11	Kansas Grain and Feed Association	Meinhardt, Dan	General Plant Superintendent	The Smoot Grain Company
12	Wyandotte County Health Department	Michael, Richard	Director, Air Pollution Control	Wyandotte County Health Department
13	Kansas Cement Council	Moses, Edward R.	Managing Director	Kansas Cement Council
14	Kansas Chamber of Commerce & Industry	Newman, Dennis	Environmental Supervisor	Vulcan Chemicals
15	Kansas Chamber of Commerce & Industry	O'Kane, Roger	EPA Engineer	Automotive Controls
16	Sunflower Electric Power Corp.	Penrod, Wayne E.	Sr. Manager/Env. & Production Planning	Sunflower Electric Power Corp.
17	Kansas Petroleum Council	Peterson, Ken	Executive Director	Kansas Petroleum Council
18	Kansas Asphalt Pavers Association, Inc.	Popejoy, Don	President	Popejoy Construction Co., Inc.
19	Panhandle Eastern Pipeline Co.	Porter, Donald C.	Director of Environmental Protection	Panhandle Eastern Pipeline Co.
20	Kansas Department of Transportation	Siefken, Myron W.	Systems Evaluation Engineer	Kansas Department of Transportation
21	Kansas Chamber of Commerce & Industry	Spalding, Douglas	Plant Technical Systems Manager	Proctor and Gamble
22	Kansas City Power and Light	Wasson, Ronald G.	Sr. Vice Pres./Admin. & Tech. Services	Kansas City Power and Light
23	Kansas Audubon Council	Wolf, Joyce	Legislative Coordinator	Kansas Audubon Council

STATUS OF STATE ENABLING LEGISLATION

(As of July, 1992)

PREPARED BY EPA

	STATES	PERMITS: SUBSTANTIVE	PERMITS: ADMINISTRATION	FEES	ENFORCEMENT	APPLICABILITY
REGION I	CONNECTICUT	A	A*	A	A*	A
	MAINE	D	D	D	D	D
	MASSACHUSETTS	D	D	D	D	D
	NEW HAMPSHIRE	E*	E*	E	F	E*
	RHODE ISLAND	B	B	B	B	B
	VERMONT	F	F	F	F	F
REGION II	NEW JERSEY	B	B	B	B	B
	NEW YORK	B	B	B	B	B
	PUERTO RICO	D	D	D	D	D
	VIRGIN ISLANDS	D	D	D	D	D
REGION III	DELAWARE	E	C	C	D	E
	MARYLAND	E	C	C	C	E
	PENNSYLVANIA	B	B	B	D	B
	VIRGINIA	E	E	C	C	C
	WEST VIRGINIA	D	D	D	D	D
REGION IV	ALABAMA	E	E	E	E*	E
	FLORIDA	E	A	A	E	E
	GEORGIA	E	A	A	A	E
	KENTUCKY	E	E	A	E	E
	MISSISSIPPI	E	F	F	E	E
	NORTH CAROLINA	E	F	A	E	E
	SOUTH CAROLINA	E	B	B	E	E
	TENNESSEE	E	E	A*	E	E
REGION V	ILLINOIS	C	C	C	C	C
	INDIANA	D,E	D,E	D*	D*	D*
	MICHIGAN	B*	B*	B*	B*	B*
	MINNESOTA	A	A	A	A	A
	OHIO	D	D	D	D	D
	WISCONSIN	A	A	A	A	A
REGION VI	ARKANSAS	E	A	A	A	A
	LOUISIANA	B	B	A	B	B
	NEW MEXICO	A	A*	A	A	A
	OKLAHOMA	B	B	B	B	B
	TEXAS	A	A	A	A	A
REGION VII	IOWA	F	F	F	F	F
	KANSAS	F	F	F	F	F
	MISSOURI	A	A	A	A	A
	NEBRASKA	A	A	A	A	A
REGION VIII	COLORADO	B	B	B	B*	B*
	MONTANA	D	D	D	D	D
	NORTH DAKOTA	E	E	E	E	E
	SOUTH DAKOTA	A	A	A	A	A
	UTAH	A	A	A*	A	A
	WYOMING	A	A	A*	A,E	A*
REGION IX	ARIZONA	B	B	B	B	B
	CALIFORNIA	D	D	E	A	D
	HAWAII	A	A	A	A	A
	NEVADA	E	D	D	D	D
	AMERICAN SAMOA					
	GUAM					
REGION X	ALASKA	F	F	F	F	F
	IDAHO	E	E	E	F	E
	OREGON	A*	A	A	D	A
	WASHINGTON	A	A	D	A	A

A = LEGISLATION ENACTED

C = LEGISLATION PREPARED, BUT NOT BEFORE THE LEGISLATURE

E = PRE-EXISTING AUTHORITY ADEQUATE

* = REGION QUESTIONS ADEQUACY OF LEGISLATION

B = LEGISLATION BEFORE THE LEGISLATURE

D = NO LEGISLATION PREPARED

F = LEGISLATION INTRODUCED BUT FAILED

NOTE: THE DATA REPORTED ABOVE REFLECT REPORTS FROM STATES AND/OR INITIAL REGIONAL OFFICE CHECKS THEY DO NOT REFLECT IN-DEPTH EPA REVIEW OR CONCLUSIONS AS TO THEIR ULTIMATE ADEQUACY IN SUPPORTING APPROVAL OF STATE OPERATING PERMIT PROGRAM SUBMISSIONS.

Low-level waste disposal turning into costly gridlock

COMPACT
file

By New York Times

LOS ANGELES — Thousands of hospitals, pharmaceutical makers and electric utilities across the country face grave new troubles in the new year, when it will become much more difficult and costly to dispose of their low-level radioactive waste.

The problems grow from a 12-year-old federal law that was intended to make the disposal of such waste more equitable to the states with dump sites. But political conflict and public opposition have frustrated attempts

to carry out the law.

Under the law, the three states that have been accepting and burying radioactive waste can, starting Jan. 1, exclude any waste generated outside their own region. Nevada will shut its dump at Beatty completely, and Washington state's site at Hanford will accept waste from only six other Northwestern states and Hawaii.

That will leave only one dump open for the rest of the country, in Barnwell, S.C., where the authorities, enjoying a monopoly in an unwanted trade, will impose an "access" fee of \$220 a cubic foot for waste from states outside the southeast region. That, plus transportation costs, will increase the disposal costs as much as fivefold for waste generators in California, New York and other states.

Even so, the South Carolina dump is to shut to outsiders within 18 months and close altogether by 1998. After that, given the emotional public opposition to new dumps, it remains unclear where the nation will be able

to store the thousands of cubic feet of low-level radioactive waste, which includes equipment from nuclear power plants, contaminated clothing, radioactive "tags" that are used to track the flow of drugs in the body and radioactive cancer treatments.

High-level radioactive waste, as in that from nuclear weapons production or spent fuel from nuclear power plants, is disposed of by the federal government, but each state is responsible for its low-level waste.

The deepening crisis reflects the

partial collapse of the interstate "compact" system Congress envisioned when it passed the Low-Level Radioactive Waste Policy Act of 1980. It encouraged states to join with neighboring states in building dumps so that each region shared the burden equally. Nine such compacts were formed.

But years of political gridlock and determined local opposition blocked the creation of any new dump sites. New York state never joined a compact and must now rely entirely on

South Carolina.

Because they have failed to comply with the federal law, Michigan, Rhode Island, New Hampshire, Puerto Rico and the District of Columbia are barred from shipping to South Carolina and have no outlet.

Michigan was expelled from the

Midwest Compact last year because it refused to permit creation of a dump site within its borders. As a result, the Veterans Affairs Hospital in Ann Arbor, among others, refuses patients needing radioactive diagnoses or treatment, sending them out of state.

More than 36,000 cubic feet of waste have piled up temporarily at 53 locations in Michigan, and about 1,300 more cubic feet are added every month; the authorities have no idea what they are going to do with it.

California, which produces nearly 9 percent of the nation's low-level radioactive waste, has been planning for years — in compact with Arizona and the Dakotas — to put a dump in Ward Valley, in the Mojave Desert near Needles, close to the Arizona border. But the project is tied up in complex legal and political knots, which are unlikely to unravel before the South Carolina dump closes.

In the meantime, major producers like the Cedars-Sinai Medical Center, a 1,100-bed research hospital here in Los Angeles, can do little except worry.

The increasing problems with disposal has had some benefit: production of low-level waste dropped to 1.4 million cubic feet in 1992 from 2.7 million cubic feet in 1985.

Scientists are turning to methods that do not involve radiation. Companies and hospitals have become more efficient in using radioactivity and now often clean gloves and other equipment for reuse so that it does not have to be discarded.

The difficulty of disposal has become a key factor in California's promising biotechnology industry possibly leaving the state. Many of the companies, based mostly in San Diego and in Silicon Valley near San Francisco, have considered moving to the Pacific Northwest or the Southeast to be near the two functioning dumps.

Critics say the situation is an unintended result of flawed federal legislation meant to create equity among the states but that instead may cause a proliferation of badly controlled, environmentally risky storage sites as thousands of scattered locations as users make their own provisions.

Senate Energy & Nat'l Resources
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Attachment 4