

Approved: Carl Dean Holmes
Date 4/29/94

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Carl Holmes at 3:30 p.m. on February 21, 1994 in Room 526-S of the Capitol.

All members were present except: Representative Russ Mills - Excused

Committee staff present: Raney Gilliland, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Mary Torrence, Revisor of Statutes
Shirley Wilds, Committee Secretary

Conferees appearing before the committee: Bill Craven, KS Natural Resource Council
Jerry Glasgow, Performance Tire & Wheel, Topeka
Charles Jones, KS Dept of Health and Environment
Steve Kearney, Waste Management Inc
Tom Whitaker, KS Motor Carriers Assn
Dennis Henshaw, Acme Corporation of America
Ron Smith, KS Bar Assn
William Bider, KS Dept of Health and Environment
Edward Moses, KS Cement Council

Others attending: See attached list

Chairperson Holmes opened the meeting announcing Committee minutes for February 9, 14, 15 and 16 were handed out for approval.

The Chair referred the Committee members to two items before them:

- Letter from the Thomas County Commission regarding the Subtitle D regulations hearing that was held on February 7 ((See Attachment #1)
- Research paper from the Kansas Corporation Commission (KCC News) regarding natural gas pricing (See Attachment #2).

Chairperson Holmes outlined the agenda for this week. He announced that in addition to the six bills to be heard this week he plans to work these bills along with prior bills by day's end on Thursday. He said during this week's scheduled hearings, when time permits, he plans to bring forth select bills for action.

Hearing on HB 3007:

Bill Craven. (See Attachment #3). Mr. Craven urged support of **HB 3007**, not only because it will help with recycling, but will set an example for the entire State of Kansas. He added this legislation simply allows the Secretary of Administration the flexibility to recycle efficiently the mixed paper and computer paper generated within the Capitol building.

Dennis Henshaw. (See Attachment #4) Mr. Henshaw reported that while his Corporation has no major question with paper recycling per se, their concern is the statute (if legislation passes) should be flexible enough to allow changes as market conditions fluctuate and/or allow changes to the collection method or system. He said the papers mentioned for recycling does not include news print. The grade, mixed paper, has very little value and there are few mills that currently accept it. He suggested that the description of paper grades to be collected be more general, i.e. "to recycle sulphite and/or sulphate grades of paper, such as computer paper, mixed office paper, etc." Also, regarding containers for recycling, his Corporation would prefer a more general language such as "containers will be provided and placed throughout the building for the deposit of such paper for recycling."

Representative McClure provided the Committee a report on the results of a state-agencies poll taken regarding the total dollar amount spent on fine paper and fine recycle paper. She invited Committee colleagues to her office to peruse the entire list of agency replies regarding these expenditures. She said the Capitol, Landon and Docking Buildings have been doing good work in collecting recycling currently practiced under an executive order. In addition to collecting, these state facilities also use recycled products (23% of the paper used is recycled). All Senate and House Journals, Calendars, Bill Indexes, etc. are done on recycled paper. Many House and Senate offices within the Capitol Building have been recycling for at least the last two years and the sale of the recycled materials last year sold for \$30,000, which funds were added to the general fund. In addition, Representative

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m. on February 21, 1994.

provided the Committee with a report showing some of the ways in which the Capitol complex has been participating in the recycling program. (See Attachment #5)

In response to an inquiry from a Committee member regarding the cost involved, Emil Lutz, Director of Legislative Administrative Services, responded the current process within the Capitol building is to have the Pages deliver recycled materials to the recycled bins. In addition they hire a carrier whose function is to run hard copy from the Clerk of the House and the Secretary of the Senate out to the state printer. This carrier is also paid to pick up newspapers for recycling from boxes throughout the building. While there is no money realized from the newspaper pickup and there is a small payment involved (28 cents per mile), it is a worthwhile endeavor. Also they hire a part-time person to come in the mornings to help pick up recycling material.

Hearing on HB 3008:

Bill Craven.: (See Attachment #6) As a representative for the Kansas Natural Resource Council and as an attorney, Mr. Craven spoke in support of this legislation. Some points he related in encouraging its passage were:

- The definition of "recycled paper" is certainly not burdensome.
- The act exempts existing supplies of paper that lawyers or law firms may have in stock.
- It attaches no penalty to lawyers who don't comply with the act.
- The bill exempts lawyers from the act who live in areas where recycled paper is not readily available.

Mr. Craven concluded by saying **HB 3008** makes a good statement and will help create a market for recycled paper.

Ron Smith. (See Attachment #7) Mr. Smith told the Committee he had discussed this legislation with the KBA Executive Counsel and, while they do not oppose recycling they feel the concept should be applied to all persons in Kansas and the compliance should not be optional. He gave examples of all state government agencies, insurance companies, certified public accountants, to name a few, that are generous users of all paper products.

Mr. Smith said that lawyers and the courts are slowly becoming automated. He theorized that within the next five years there will probably be many new lawyers, but less use of paper. He said that electronic mail is becoming a common practice, as are Fax machines, and in the future the faxes will be transmitted from computer to computer, without paper. He said there will be electronic filing of pleadings, e-mail to and from clients and law offices. Further projecting into the future, Mr. Smith said lawsuits will be tried with portable computers at counsel tables, tied into computers at offices, with applications to procure data from electronic research companies. Mr. Smith said if this legislation would address a blanket policy affecting everyone the KBA would support it.

Hearing on HB 3009:

Jerry Glasgow. (See Attachment #8) Mr. Glasgow testified on behalf of the Kansas Tire Dealers Association in support of **HB 3009**. He said the tire dealers realize a need to address the scrap tire disposal issue and mentioned the issue of reputable dealers having to compete with those who refuse to cooperate.

Mr. Glasgow said there may be a duplication of effort, referring to the language in Section 2 (a) of **HB 3009**. He explained that tire dealers currently keep records on the sale of new tires, as does the Department of Revenue, by the collection of \$.50 excise tax on the sale of new tires. He believes dealers are managing waste tires responsibility, and can only assume if a company is permitted by the KDHE they are a reputable business and disposing of waste in good faith.

He said dealers' main concern is in the language requiring tire dealers to maintain records on used tires sold and the number of waste tires collected from the public. Used tires are not defined (this would be a difficult task), and this would not only be an additional, unreasonable burden on tire dealers, but there is no value to the data. He submits that the KDHE should be concerned with the destination of the waste after it leaves the tire dealers place of business.

Another concern for the tire dealers, according to Mr. Glasgow, is their being held liable for the waste tires (especially tires that "appear" at their place of business). He cited the example that each Monday morning he can expect to find at least 10 tires that have been deposited at his place of business. While tire dealers are expected to be responsible for waste tires, he said everyone contributes to the waste tire problem and tire dealers are active in this regard.

Another area of concern to the dealers is Section 2 (b) 4, wherein the language reads that anyone who receives money in exchange for waste tires must be permitted. He said the law would prohibit a dealer from recouping a cost of doing business by charging for taking care of waste tires (regardless of whether a customer bought new tires). The only alternative is for all tire retailers to be permitted.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m. on February 21, 1994.

His final concern with current law is with the statute that reads "no tire retailer shall refuse to accept waste tires from customers or offer any discount or other monetary inducement to encourage customers to remove their old tires." He said one dealer may hide his cost of waste tire disposal in the price of the tire; one may put a \$2.00 disposal charge on the invoice; and one may not charge at all and consume the disposal cost. He maintains all of these scenarios should be dictated by competition, but the language "monetary inducement" is confusing. He asked that the Committee clarify this language, while not prohibiting dealers from recouping a cost of doing business.

Mr. Glasgow submitted a balloon for the proposed aforementioned changes, and concluded by voicing his support to **HB 3009** if his suggestions for change were adopted.

Bill Bider. (See Attachment 9) Since 1990 Mr. Bider said the Waste Tire Program overall has yielded many positive results. He said, however, there is much more work to be done to correct tire problems and establish a management system that would cover the entire state. The goal of KDHE is that the government and private systems will become self sufficient with virtually all waste tires entering a regulated private management system.

Mr. Bider addressed the key statutory changes in **HB 3009**:

- Several new definitions have been added, including such terms as director; farmer or rancher; feedlot operator; tire monofill; trailer; vehicle; waste tire transporter; and others.
- The term "beneficial use" was modified to require approval by KDHE. No person may accept money for waste tires and receive beneficial use exemption. Monies accepted constitutes disposal; only permitted waste tire transporters, processors, collection centers or monofills; or permitted solid waste landfills may receive money for waste tires. In addition many common beneficial uses will be specified to avoid individual KDHE approval.
- Retail tire business will be required to maintain records of tire sales and disposal for a minimum of three years.
- A financial assurance standard will be added to the requirements for waste tire permit holders.
- The two consecutive year limitations on tire grants will be eliminated allowing abatement projects to proceed uninterrupted. It is the KDHE's opinion that the two-year limit on consecutive grants awards is more of a problem and could prevent some problems from being addressed in a timely manner.
- The bill will eliminate the current cap on administrative costs, which is 9% of fund revenues or \$130,000, whichever is less.
- KDHE has the authority to use the waste tire fund through direct contracts.
- KDHE will be given the authority to enter properties to abate tire problems.
- KDHE will be given authority to recover funds for work performed directly by the Department or through a grant to local government for any tire problems resulting from improper disposal after the tire law went into effect (July 1, 1990).

Mr. Bider said the fiscal implications of **HB 3009** are related to the use of the Waste Tire Fund which currently receives about \$100,000 per month from the sale of new tires. The current fee of \$.50 for new tires is adequate.

KDHE will have the flexibility to utilize the fund to ensure that all program needs are satisfied. The Department proposes to add three persons to allow the Bureaus of Waste Management and District Operations to govern all aspects of the program. This would provide flexibility in awarding grants or direct contracts to clean up problems, better utilizing the fund. The fund would be managed in a manner ensuring that adequate resources are on hand for emergencies and maintaining agency functions.

Steve Kearney. (See Attachment #10) The general concepts of this legislation are supported by Waste Management Inc. Mr. Kearney stated the waste tire law was amended several years ago, to give landfills the flexibility to use tires in creative and innovative ways. He said the language found on Page 3, lines 36-43 and Page 4, line 1, is stricken in this current bill. The current law allows the secretary to approve of landfill disposal of tires cut into sufficiently small pieces, use whole tires as part of a leachate collection system and use waste tire material as part of daily cover material. Mr. Kearney requested the Committee to reinsert the stricken language; a balloon was provided.

Thomas Whitaker. (See Attachment #11) On behalf of the Kansas Motor Carriers Association, Mr. Whitaker spoke of concerns with the "waste tire transporter" definition (Page 2, line 40). Within the current language he said it does not include 1)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 526-S Statehouse, at 3:30 p.m. on February 21, 1994.

Solid waste transporter or collectors who collect mixed residential solid waste and who transport fewer than five tires at a time from any location, and 2) persons who transport fewer than five tires for disposal. He explained that if **HB 3009** were to become law, when truck owners having their own maintenance facilities and transport six or more waste tires to a proper disposal site, they would be required to obtain a waste tire transporter permit and pay an annual \$250.00 fee.

In addition, a for-hire motor carrier transporting for a consignor to a consignee would require the carrier to secure a waste tire transporter permit over and above the existing regulatory, fuel and registration credentials.

Without a definition revision, Mr. Whitaker said the Kansas Motor Carriers strongly oppose this bill.

Edward Moses. Mr. Moses offered brief comments to the Committee that he sees nothing currently in the bill that would hinder his organization from their business of tire burning.

Chairperson Holmes told the Committee they have before them a letter from David H. Moses and James P. Ruane, attorneys in support of **HB 3008**. (Attachment #12)

The Chair expressed appreciation to the members for their work on the Waste Tire Subcommittee.

Representative Powers moved to approve Committee minutes for February 9, 14, 15 and 16. Representative Grotewiel seconded. Motion carried.

Action on HB 2732:

Representative Alldritt moved to adopt to amend on Page 2, strike all of lines 24 through 43; Page 2, line 15 strike "The" and insert "Subject to appropriation acts, the"; and strike all of Page 3. Representative Hendrix seconded. Motion carried. (Attachment #13)

Representative Alldritt moved to amend on Page 2, line 16, strike "up to." Representative Mills seconded the motion. Representative Alldritt withdrew his motion. (Attachment #14)

Representative Alldritt made a conceptual motion to adopt language to amend on Page 2, line 16, strike "up to" and insert "equal amounts not to exceed". Representative Mills seconded. Motion carried.

Representative Lloyd made a conceptual motion to amend **HB 2732** to incorporate not-for-profit arboretums into the language. Representative Freeborn seconded. Motion failed.

Representative Alldritt moved to pass **HB 2732** favorably, as amended. Representative Powers seconded. Motion carried.

Upon completion of its business, the meeting adjourned at 5:25 p.m.

The next meeting is scheduled for February 22, 1994.

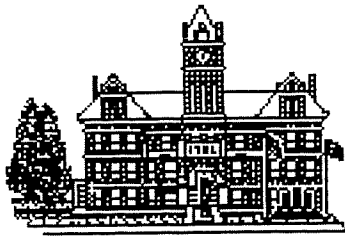


GUEST LIST

Committee: Energy and Natural Resources

Date: 2/21/94

NAME: (Please print)	Address:	Company/Organization:
SITAWN HARRELSON	TOPEKA	KTDA
Jerry W GLASGOW	Topeka	KTDA
Chiquita Cornelius	Topeka	Ks. BIRP
Dennis Hanson	Topeka	P.C.A
Tom WHITAKER	TOPEKA	Ks MOTOR CARRIAGES ASSN
J.C. LONG	Topeka	UCU.
Helen Hayzlett	Lakin	observer
MARY YAKEL	INDEPENDENCE MO	VISITOR
MARVIN YAKEL	INDEPENDENCE MO	VISITOR
Dick Bayman	Topeka	KDOT
Susan Hamilton	Topeka	KTZA
Mark Crow	Leavenworth	KDHE
Bill Bider	Topeka	KDHE
Bill ANDERSON	MISSION	Water DIST #1 of Jo Co
Woody Hoes	Topeka	KAPA
Michelle Peterson	Topeka	Ks Gov Consulting
Anne Smith	Topeka	Ks Assoc of Counties
STEVE KEARNEY	TOPEKA	WMX
Charles Nicday	Topeka	KTDA
Julio J Klein	Topeka	Hein, Ebert & Wirt
JANET STUBBS	Topeka	KBIA



**John Bremenkamp
Thomas County Commissioner
300 N. Court
Colby, Kansas 67701**

Phone (913) 462-3768
Fax (913) 462-7547
Feb 14, 1994

Distinguished Members of the House Energy and Natural Resources Committee

I am John Bremenkamp, County Commissioner from Thomas County and President of our 15 County Solid Waste Planning Authority. It is my pleasure to be addressing you today. I am here in support of the proposed Solid Waste Regulations submitted by the Kansas Department of Health & Environment (KDHE), and to support the process by which they were formulated.

Process:

I would like to address the process first and to that end I would commend the Legislature, whom last year set into motion the circumstances by which this came about, passage of H B 2801, that required regulations more restrictive than Subtitle D to be approved by the Legislature.

I would also like to commend KDHE for setting up the Advisory Committee by which these results came about. I enjoyed serving on this committee and I feel that all parties interested in these regulations had representation. I felt that everyone who served on the committee had the opportunity to voice their concerns. The committee then reached a consensus and made a recommendation to KDHE. To my knowledge KDHE incorporated all of the committees' recommendations into the proposed regulations.

I would highly recommend that this process be used in the future when any agency writes regulations.

Regulations:

Although there are some of the proposed regulations that are more restrictive than the Subtitle D regulations, I feel they are necessary not only to protect the

*Energy & Natural Resources
Attachment #1
2/21/94*

environment but also to protect future generations from the cost of remedial action.

The two examples that I find more restrictive than the Subtitle D Regulations are:

- (1) The Bottom Liner for Exempt Small Landfills and
- (2) The Final Cover requirement.

Bottom Liner


By the time the committee addressed this issue we had received the reports from the first 25 Counties west of the 25 inch rain fall line that had just installed monitoring wells. Thirteen Landfills out of those 25 had some contamination. It was the consensus of the committee that we needed a more protective liner than used in the past. Not only from an environmental stand point but also from the stand point of the small landfills losing their exemption, which would trigger remedial action under Subtitle D.

However we added a phrase "or the equivalent of", if the geology is right the constructed liner requirement may be waved.

Final Cover

To me this was a common sense issue. The Subtitle D minimum requirement is not adequate to protect the investment made in the compacted layer. Subtitle D only requires a 6 inch layer. If the compacted layer is not covered to an adequate depth, the freezing and thawing would simply destroy the compaction, wasting the money spent compacting the layer. In the drier parts of the State, the minimum requirement would not support grass. In any part of the State it would be very difficult to prevent erosion with the 6 inch minimum cover. Additional cover will not need to be compacted making this cost comparatively low and will save yearly maintenance cost.

I would like to thank the committee for allowing me this time to speak to you today.


John Bremenkamp

KCC News

Release No. 94-02

Media contact: Ramona Becker, Director of Public Affairs

Office: (913) 271-3275 Home (913) 272-6053

February 8, 1994/For Immediate Release

KCC challenges natural gas transportation rate increase

Cold weather is not the only culprit for increased gas bills. Changes in the Purchased Gas Adjustment (PGA) have caused ratepayers' bills to increase more than 25 percent over last year. The PGA includes the price of natural gas at the wellhead, and the rate for pipeline transportation from the wellhead to the local utility. The rate for pipeline transportation is regulated by the Federal Energy Regulatory Commission (FERC) in Washington, D.C. The KCC is pre-empted by federal law from reducing rates set by the FERC.

The PGA is noticeably higher this year for several reasons. First, the current weighted average price of natural gas is \$3.34. This is compared to \$2.56 last year. This is the result of market forces that include the severity of the weather, the amount of gas in storage facilities near market areas, and long term weather forecasts.

Second, on November 1, 1993, Williams Natural Gas (Williams), the primary transporter of natural gas from the wellhead to natural gas utilities in Kansas, received a \$45 million interim rate increase. This represents a 30 percent increase over rates in effect at this time last year. Williams filed for the rate increase in April 1993. Under FERC rules, rates are ineffective for five months to give parties the opportunity to reach a settlement. After the five month suspension period, the proposed rate increase goes into effect automatically by federal law.

The KCC staff performed an audit at Williams' office in Tulsa and determined rates should remain the same or increase slightly. The Williams case is set for trial in June in Washington. When FERC makes a final determination, customers will be entitled to a refund. Lower rates plus the anticipated refund should dramatically reduce natural gas bills for the heating season next year.

Finally, interstate pipelines, in October 1993, implemented their so-called restructured services as ordered by FERC Order No. 636. This results in residential ratepayers being responsible for more of the fixed costs associated with transportation of gas from the wellhead to the city where it is distributed.

(continued on back)

Gas Cost Comparison

	January 1993	January 1994
Williams transportation charges (set by FERC)	\$.44	\$.82*
Natural gas cost (market price)	2.56	3.34
KPL rate to recover cost - not part of PGA (set by KCC)	1.12	1.12
	<hr/>	<hr/>
Total rate per Mcf	\$4.12	\$5.28

*This includes \$.08 attributable to Order No. 636

The KCC recognizes that these factors result in increased utility bills for Kansas consumers. The KCC is an active participant on behalf of Kansas ratepayers in the Williams rate case. The KCC Consumer Protection staff encourages consumers to conserve energy to minimize increases in monthly bills. Also, payment arrangements for residential customers are available through local utilities under the KCC Cold Weather Rule.

- kcc -



Kansas Natural Resource Council

P.O. Box 2635
Topeka, KS 66601-2635

Officers
President

Bill Ward, Lawrence

Vice President
Joan Vilbert, Ottawa

Secretary
Ann Fell, Winfield

Treasurer
Art Thompson, Topeka

Board of Directors

June Allen, Wichita
Ken Babcock, Hiawatha
Raymond Dean, Lawrence
Chris Gnau, Topeka
Jolene M. Grabill, Topeka
Bob Haughawoat, Wichita
Joe King, Lawrence
Miner Seymour, Moundridge
Ellie Skokan, Wichita
Myron Voth, Walton
David Wristen, Leawood
Arthur Youngman, Wichita
Ann Zimmerman, Manhattan



Printed on recycled paper

Testimony of William Craven
Legislative Coordinator,
Kansas Natural Resource Council
and
Kansas Sierra Club

H.B. 3007

Thank you, Mr. Chairman, for an opportunity to testify on a recycling bill that will set an example for the entire State of Kansas. State government is supposed to set an example for the entire state, but when it comes to recycling paper, I'm afraid several businesses and schools and households are ahead of state government, and most unfortunately, ahead of state government as it is known and practiced in this building. I urge your support of this bill not only to help with recycling, but to set an example for the rest of state government. It is unfortunate but true that the children of Kansas are recycling more than the politicians and civil servants of Kansas, and this bill would rectify that situation.

This bill is not onerous. It simply allows the Secretary of Administration the flexibility to recycle efficiently the mixed paper and the computer paper generated in this building. I can think of nothing that should impede this bill's passage, and for those of you who are not yet accustomed to recycling, implementation of this bill is a step in the right direction.

Thank you for an opportunity to testify.

Energy! Natural Resources

*Attachment #3
2/21/94*

Testimony to House Energy and Natural Resources Committee

on

HB 3007

by

Dennis Hanshaw, Plant Manager

Packaging Corporation of America

February 21, 1994

Mr. Chairman and Members of the Committee:

We do not have any major problem with the state trying to legislate paper recycling, even though, a recycling program has been in existence for several years. Our main concern is, that if it is to be legislated, the statute should be flexible enough to allow changes as market conditions fluctuate and/or allow changes to the collection method or system.

The proposal dictates that two categories of paper will be collected for recycling; computer paper and mixed paper which does not include news print. The grade, *Mixed Paper*, has very little value but more important, there are very few mills that are currently consuming this grade of paper, thus an over supply exists in the market place. We would prefer that the description of paper grades to be collected be a little more general, such as, "to recycle sulphite and/or sulphate grades of paper such as Computer Paper, Mixed Office Paper & etc..."

The proposal is also very specific that each office will be provided one container for depositing the paper for recycling. Does this mean all grades are to be co-mingled?

We have found that in
Energy & Natural Resources
Attachment #4
2/21/94

establishing commercial recycling programs that every building and every organization has unique characteristics regarding their recycling needs and service requirements. We again would prefer a more general statement, such as, "containers will be provided and placed throughout the building for the deposit of such paper for recycling".

STATE OF KANSAS



DEPARTMENT OF ADMINISTRATION
Division of Purchases

JOAN FINNEY,
Governor
JACK R. SHIPMAN
Director of Purchases

Landon State Office Building
900 Jackson, Room 102 N
Topeka, Kansas 66612-1286
(913) 296-2376

October 28, 1993

TO: Jack Shipman, Director

FROM: Carla Bishop, *CSB* SCO

SUBJECT: Recycled Paper

Per K.S.A. 75-3740b, ten percent (10%) of every dollar spent for the purchase of newsprint and high grade bleached printing & writing paper in FY93 was to be applied toward the purchase of such paper made from recycled material, i.e. 50% waste paper (10% post consumer waste). I have polled the state agencies regarding this statute and have received the following information:

Total dollar amount spent on fine paper: \$ 3,825,064.31

Dollar amount spent on fine recycled paper: \$ 863,092.34

Percentage of dollars spent on recycled paper: 23%

The replies from the individual agencies are on file at my desk if further information is needed.

*Energy & Natural Resources
Attachment #5
2/21/94*



MEMORANDUM

TO: All Legislators and Legislative Employees

FROM: Emil Lutz, Director *EL*

DATE: January 27, 1994

RE: Recycling Bins

This is a reminder to use the "recycle" bins only for recycled paper. Our employee who empties these bins has found quite a bit of trash i.e. pop cans, banana peels, besides the recyclable paper.

A list of contaminants that is not allowed in the recycle bins is attached. We would appreciate you reviewing the list.

Our participation in the recycling program does make a difference. Last year \$30,000 was added to the general fund from recycled paper.

EL:ms



DEPARTMENT OF ADMINISTRATION
Division of Facilities Management

JOAN FINNEY

Governor

ORION M. JORDAN

Director

Landon State Office Building

900 Jackson, Room 653

Topeka, Kansas 66612-2210

(913) 296-1318

RECYCLING

December 1993

The Department of Administration, Division of Facilities Management, was assigned the task of developing the guidelines and implementing a Capitol Complex Pilot Paper Recycling Program. From January, 1989, through September, 1989, the Division designed the program; prepared the recycling coordinator hand books; assisted the Division of Purchases in establishing a state contract to pick up recyclable paper; and set dates with agencies to instruct their coordinators in the disposal of recyclable paper products.

Between September, 1989, and the present, the Division has:

- a. Met with 37 agencies in the capitol complex;
- b. Instructed 43 recycling coordinators of those agencies;
- c. Placed 38 90-gallon containers in the Docking State Office Building;
- d. Placed 32 90-gallon containers in the Landon State Office Building;
- e. Placed 20 90-gallon containers in the Kansas Judicial Center;
- f. Collected approximately 5,911 containers which equals 738 tons of paper as of 12/31/93;
- g. The Statehouse currently recycles its paper through the Docking State Office Building.

We believe that the Department of Administration has been very successful in this pilot recycling program because of the support of the participating agencies in the capitol complex area. If you would like any additional information regarding our recycling program in the capitol complex, please telephone William G. Nace at 296-1318.

ds



Kansas Natural Resource Council

P.O. Box 2635
Topeka, KS 66601-2635

Officers

President

Bill Ward, Lawrence

Vice President

Joan Vilbert, Ottawa

Secretary

Ann Fell, Winfield

Treasurer

Art Thompson, Topeka

Board of Directors

June Allen, Wichita

Ken Babcock, Hiawatha

Raymond Dean, Lawrence

Chris Gnau, Topeka

Jolene M. Grabill, Topeka

Bob Haughwout, Wichita

Joe King, Lawrence

Miner Seymour, Moundridge

Ellie Skokan, Wichita

Myron Voth, Walton

David Wristen, Leawood

Arthur Youngman, Wichita

Ann Zimmerman, Manhattan



Printed on recycled paper

Testimony of William Craven Legislative Coordinator, Kansas Natural Resource Council and Kansas Sierra Club

H.B. 3008

Thank you for an opportunity to testify on this important recycling bill. This bill provides me an opportunity to testify as an attorney on an environmental issue which will affect my profession.

As you may remember from the discussion when this bill was introduced, this proposal is modeled after Colorado legislation implemented last year. The Colorado Bar Association was a supporter of the project, which gives the image of lawyers a little bit of a boost, and saves some trees in the process.

This bill simply encourages lawyers to use recycled paper. The points I wish to make are as follows: (1) The definition of "recycled paper" is certainly not burdensome. (2) The act exempts existing supplies of paper that lawyers or law firms may have in stock. (3) It attaches no penalty to lawyers who don't comply with the act. In fact, documents printed on regular paper will continue to be accepted by courts and agencies. (4) Finally, the bill exempts lawyers from the act who live in areas where recycled paper is not readily available.

Some may want to broaden this bill to apply to other professions or other state government functions, and I would not be opposed to those amendments. But even standing alone, this bill makes a good statement and will help create a market for recycled paper, which is the main piece missing in the recycling effort of this country.

I again thank you for the opportunity to appear.

Energy: Natural Resources
attachment # 6
2/21/94



**Legislative Information
for the Kansas Legislature**

TO: *House Energy & Natural Res. Committee*
FROM: *Ron Smith, KBA General Counsel*
SUBJ: *HB 3008; recycled paper*

February 20, 1994

POSITION

The Kansas Bar Association opposes this legislation unless the concept is applied to all Kansans. If the concept of this bill is good public policy, then it should be policy extended to all persons and the compliance should not be optional. Lawyers are not the only businesses or professionals that use paper.

BACKGROUND

Recycling is a fine concept and a good goal. It is my understanding that recycled paper costs somewhat more than ordinary paper. It is hoped, I'm sure, that by having lawyers comply with the bill it bring the price of recycled paper down. To the extent that happens, fine. However, the extra costs are passed along to clients directly and indirectly, like all costs of doing business.

Further, there is probably some impact on state government, since you have many lawyers working for state and local governments.

There are over 40,000 state

employees. Your budget is over \$6 billion. You use much more paper than the legal profession. Yet this law does not require state government to use recycled paper.

Perhaps it should.

We especially feel that if the law is permissive then you are wasting paper on which you print it.

There are several problems with this bill.

First, the Kansas Supreme Court has the primary role of regulating the practice of law. Rule 6.07 controls the format of an appellate brief. It requires "white bond paper" be used. The final sentence of Rule 6.07 says: *Any brief which is not in substantial conformity with the provisions of this rule will not be accepted for filing.*

Second, requiring lawyers to use recycled paper is contrary to the paperless direction the practice of law is going. Five years from now there will probably be many new

This legislative analysis is provided in a format easily inserted into bill books. We hope you find this convenient.

*Energy & Natural Resources
Attachment #7
2/21/94*

*Energy & N.R.
March 2, 1994*

Attachment #7

lawyers in Kansas, but probably less paper.

The practice of law is becoming a paperless society. Electronic mail is becoming a reality. Just as five years ago we didn't know what we did without fax machines, now we don't know how to get along without them. Five years from now, most faxes will be sent from computer to computer, without paper.

We shall see electronic filing of pleadings, electronic mail to and from clients, and electronic mail to and from law offices.

Lawsuits will be tried with portable computers at counsel tables, tied into computers at offices and able to pull down data from electronic research companies.

Don't listen to any lawyer tell you that they practiced law all these years with a legal pad and telephone and that is all they need. When they get creamed by a younger attorney with a portable computer, they'll change and change quickly.

In short, the paper companies are not targeting the legal profession as a growth area for the 21st century.

HB 3008 is contrary to that trend and, we submit, unnecessary for the legal community itself. If you want to adopt it as state policy affecting everyone then we'd support it.

Thank you.

**STATEMENT
OF THE
KANSAS TIRE DEALERS ASSOCIATION**

**BEFORE THE
HOUSE COMMITTEE ON ENERGY AND NATURAL RESOURCES
FEBRUARY 21, 1994**

HOUSE BILL NO. 3009

*Energy & Natural Resources
Attachment # 8
2/2/94*

Mister Chairman and Members of the Committee:

My name is Jerry Glasgow. I'm the owner of Performance Tire and Wheel, a small company here in Topeka. As a member and on behalf of the Kansas Tire Dealers Association, I appreciate the opportunity to be here today in support of House Bill 3009.

Tire dealers in Kansas realize a need to address the scrap tire disposal problem, and support all reasonable efforts to remedy this environmental threat. The continued mishandling of scrap tires gives our industry a "black eye," and upstanding dealers must compete with those who refuse to cooperate.

I would like you to notice Sec. 2.(a). Tire dealers currently keep records on the sale of new tires, as does the Kansas Department of Revenue by the collection of the \$.50 excise tax on the sale of new tires. This may be a duplication of effort.

Dealers that I am aware of do record who picks up their waste tires for disposal, how many they took, and how much they paid for the service. Dealers believe they are managing their waste tires responsibly by using a permitted party and can only assume that if a company is permitted by the Kansas Department of Health and Environment, then they are a reputable business and that they are disposing of waste in good faith.

However, our biggest concern is in the language requiring tire dealers to maintain records on used tires sold and the number of waste tires collected from the public. Used tires are not defined and this would be a difficult task. We feel this would not only be an additional, unreasonable burden on tire dealers, but also the data does not appear to have any value. As long as tires are on a dealers premises, they are still inventory and have not been sold as used tires or disposed of with a permitted transporter as waste. It seems to me that the KDHE should be concerned with where the waste goes after it leaves a tire dealers place of business.

Also, dealers are concerned with being held liable for the waste tires, especially ones that "appear" at their place of business. Let me explain, for example, every Monday morning I can expect to find 10 tires or more on my front door step that the good citizens of Topeka want me to take care of for them. Tire dealers are, by the nature of their business, considered the "generator" of waste tires by the regulating community. However, everyone contributes to the waste tire problem and tire dealers are helping to manage this waste stream.

Another area of concern is in Sec. 2. (b)4. We understand that this change was not intended to require tire dealers to obtain a permit. However, as it reads now, anyone who receives money in exchange for waste tires must be permitted. The law would prohibit the dealer from recouping a cost of doing business by charging for taking care of waste tires regardless of whether a customer bought new tires. The only alternative would be for all tire retailers to be permitted.

This brings up our final concern with current law that has been an area of confusion. I have attached to my testimony a copy of 65-3424i. It states "no tire retailer shall refuse to accept waste tires from customers or offer any discount or other monetary inducement to encourage customers to remove their old tires ..."

Around Topeka, you may find at least three different scenarios. One dealer may hide his cost of waste tire disposal in the price of the tire, one may put a \$2.00 waste tire disposal charge on the invoice, and one may not charge anything and eat the cost of disposal; all of which should be dictated by competition. But the language of the law "monetary inducement" is confusing and dealers don't want to break the law, make their customers angry or be forced out of business. There has been little direction from the state, and I would like to ask the committee to introduce clarifying language while not prohibiting us from recouping a cost of doing business, assuming competition allows it.

With these issues addressed, we support House Bill 3009. I have also attached a copy of HB 3009 including balloons with our suggested language.

Thank you for allowing me to express my thoughts. I will try to answer any questions you may have.

(3) develop and implement management plans for collection, abatement, recycling and disposal of tires.

(b) Each private company, city, county or group of private companies, cities or counties submitting a plan approved by the secretary shall be eligible for grants pursuant to this section on the basis of priority as determined by the secretary. No recipient shall be eligible to receive such grants for more than two consecutive fiscal years. The secretary shall require any private company receiving a grant pursuant to this section to file with the secretary a surety bond, cash bond or other security in an amount and form approved by the secretary and conditioned on the use of the grant in accordance with the plan approved by the secretary.

(c) Private companies, cities and counties may join together, pooling their financial resources, when utilizing their grants for the purposes described in subsection (a).

(d) The secretary, in cooperation with the statewide coordinator of waste reduction, recycling and market development, may provide technical assistance, upon request, to a private company, city, county or group of private companies, cities or counties desiring assistance in applying for waste tire grants or choosing a method of waste tire management which would be an eligible use of the grant funds.

History: L. 1990, ch. 319, § 7; L. 1991, ch. 197, § 5; July 1.

65-3424g. Same; waste tire management fund. (a) There is hereby established in the state treasury the waste tire management fund.

(b) Moneys in the waste tire management fund shall be used only for the purpose of:

(1) Making grants as provided by K.S.A. 1991 Supp. 65-3424f, and amendments thereto; and

(2) paying compensation and other expenses of employing personnel to carry out the duties of the secretary pursuant to K.S.A. 1991 Supp. 65-3424 through 65-3424h, and amendments thereto, but not more than 9% or \$130,000, whichever amount is less, of the moneys credited to the fund during the fiscal year shall be used for such purpose.

(c) All expenditures from the waste tire management fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

History: L. 1990, ch. 319, § 8; L. 1991, ch. 197, § 7; July 1.

65-3424h. Same; rules and regulations. The secretary shall adopt such rules and regulations as necessary to administer and enforce the provisions of this act.

History: L. 1990, ch. 319, § 9; July 1.

65-3424i. Same; prohibited acts by tire retailers. (a) Except as provided by subsection (b), no tire retailer shall refuse to accept waste tires from customers ~~or offer any discount or other monetary inducement to customers to encourage customers to remove their old tires from the tire retailer's premises at the time of transfer.~~

(b) A tire retailer may: (1) Ask customers if they wish to retain their old tires at the time of sale; (2) refuse to accept more tires from a customer than purchased by that customer at the time of sale; or (3) refuse to accept waste tires from a customer purchasing replacement tires for commercial use if the tire retailer does not mount such replacement tires.

History: L. 1991, ch. 197, § 6; July 1.

65-3425 to 65-3429. Reserved.

HAZARDOUS WASTE

Law Review and Bar Journal References:

"Groundwater Pollution I: The Problem and the Law," Robert L. Clicksman, George Cameron Coggins, 35 K.L.R. 75, 159 (1955).

"The Proposed Kansas Groundwater Protection Act: A Commentary From a Regulated Industry Perspective," Robert L. Driscoll, Doris K. Nagel, 35 K.L.R. 367, 375 (1957).

Attorney General's Opinions:

Secretary of KDHE has authority to adopt rules and regulations. 87-86.

65-3430.

Research and Practice Aids:

Health and Environment ← 25.5(5.5).
C.J.S. Health and Environment §§ 91, 92, 106, 109, 129 to 131.

Attorney General's Opinions:

Consequences of central interstate low-level radioactive waste compact membership. 87-43.
Public health; hazardous waste; local, state, and federal regulation. 88-16.

65-3431. Hazardous wastes; duties and functions of secretary; rules and regulations; fees, disposition; hazardous waste perpetual care trust fund, moneys transferred thereto for interest earned; environmental permit fund, moneys transferred thereto for interest earned. The secretary is authorized and directed to: (a) Adopt such rules and regulations,

period after customers, strike remaining lang. of (a)

HOUSE BILL No. 3009

By Committee on Energy and Natural Resources

2-11

8 AN ACT concerning waste tires; amending K.S.A. 65-3424, 65-3424a,
9 65-3424b, 65-3424f and 65-3424g and repealing the existing sec-
10 tions; also repealing K.S.A. 1993 Supp. 65-3424j.

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

12 Section 1. K.S.A. 65-3424 is hereby amended to read as follows:
13 65-3424. As used in K.S.A. 65-3424 through 65-3424i, and amend-
14 ments thereto, unless the context otherwise requires:

15 (a) "Abatement" means the processing or removing to an ap-
16 proved storage site of waste tires which are creating a danger or
17 nuisance or risk to public health or the environment to an approved
18 storage site or disposal site.

19 (b) "Beneficial use" means the use or storage for use of waste
20 tires, approved by the director, in a way that creates an on-site
21 economic benefit, other than from processing or recycling, to the
22 owner of the tires but does not create a nuisance or a risk to health
23 or the environment.

24 (c) "Director" means the director of the division of environment.

25 (d) "Dispose" means to deposit, dump, spill or place any waste
26 tire at a nonpermitted facility or site, but shall not include making
27 waste tires available to the department of wildlife and parks or to
28 farmers, ranchers or feedlot operators who have a beneficial use,
29 as defined by this statute, for the waste tires.

30 (e) "Farmer" or "rancher" means a person who is engaged full
31 time in the production of agricultural crops or livestock and who
32 receives greater than 50% of the person's income from the production
33 of those crops or livestock.

34 (f) "Feedlot operator" means an operator, as defined by K.S.A.
35 47-1501 and amendments thereto.

36 (g) "Landfill" means a disposal site in which the method of
37 disposing of solid waste is by landfill, dump or pit and which has a
38 solid waste disposal area permit issued under K.S.A. 65-3401 et seq.,
39 and amendments thereto.

40 (h) "Person" means any individual, association, partnership,
41 limited partnership, corporation or other entity.

42 (i) "Secretary" means the secretary of health and environ-
43

1 ment.

2 (j) "Processing" means shredding, cutting in half circumferen-
3 tially, cutting into at least four parts with no part being greater
4 than 1/4 of the original tire size, chipping, crumbing, baling, incin-
5 erating for fuel recovery purposes or otherwise altering waste tires
6 so that they are no longer whole.

7 (k) "Store" or "storage" means the placing any accumulation
8 of waste tires in a manner that does not constitute disposal of the
9 waste tires. Storage includes the beneficial use of waste tires
10 as fences, silo covers and erosion control, and such other ben-
11 eficial uses as the secretary determines do not create health or
12 environmental risks.

13 (l) "Tire" means a continuous solid or pneumatic rubber cov-
14 ering encircling the wheel of a vehicle, aircraft or trailer.

15 (m) "Tire monofill" means a permitted solid waste landfill, landfill
16 cell, or aboveground storage area where only processed waste tires
17 are placed for storage or disposal.

18 (n) "Tire retailer" means a person in the business of selling
19 new or used replacement tires at retail.

20 (i) "Vehicle" has the meaning provided by K.S.A. 8-1485
21 and amendments thereto.

22 (o) "Trailer" means a vehicle, with or without motive power,
23 designed for carrying persons or property and for being drawn by
24 a motor vehicle.

25 (p) "Vehicle" means every device in, upon, or by which any
26 person or property is or may be transported or drawn upon a
27 highway except devices moved by human power or used exclusively
28 upon stationary rails or tracks.

29 (q) "Waste tire" means a whole tire that is no longer suitable
30 for its original intended purpose because of wear, damage or defect.

31 (r) "Waste tire collection center" means a site where used
32 or waste tires are collected from the public prior to being offered
33 for recycling and where and fewer than 1,000 tires are kept on
34 the site on any given day at all times.

35 (s) "Waste tire processing facility" means a site where equip-
36 ment is used to cut, burn or otherwise alter whole waste tires
37 so that they are no longer whole process waste tires.

38 (t) "Waste tire site" means a site at which 1,000 or more
39 whole tires are accumulated at any time.

40 (u) "Waste tire transporter" means a person who transports
41 waste tires to a permitted waste tire collection center, permitted
42 waste tire processing facility or permitted solid waste disposal area
43 for the purpose of storage, processing or disposal of waste tires.

Strike the word original.

1 Tire transporter does not include:

2 (1) Solid waste transporters or collectors who collect mixed res-
3 idential solid waste and who transport fewer than five tires at a
4 time from any location; or

5 (2) persons who transport fewer than five tires for disposal.

6 Sec. 2. K.S.A. 65-3424a is hereby amended to read as follows:

7 65-3424a. (a) The owner or operator of any waste tire site, within
8 six months after the effective date of this act, shall provide the
9 department with information concerning the site's location and
10 size and the approximate number of waste tires that are ac-
11 cumulated at the site and shall initiate steps to comply with
12 subsection (b) ~~a retail tire business shall maintain a yearly record~~
13 ~~accounting for the number of new and used tires sold to the public~~
14 ~~and the number of waste tires collected from the public and the~~
15 ~~method of disposal of collected tires. Tire retailers shall make avail-~~
16 ~~able to the department on request all records concerning waste tires~~
17 ~~collected and disposed during the preceding three years.~~

18 (b) On or after July 1, 1990, No person shall:

19 (1) Maintain a waste tire site unless: (A) such site is which is
20 not an integral part of the person's waste tire processing facility; or
21 (B) the tires accumulated at such site are for use in the person's
22 tire retreading business;

23 (2) dispose of waste tires in the state unless the waste tires
24 are disposed of for processing, or collected for processing, at
25 a solid waste processing facility, a waste tire site which is an
26 integral part of a waste tire processing facility, a waste tire
27 processing facility or a waste tire collection center or are made
28 available to: (A) The department of wildlife and parks for use
29 by the department; or (B) a person engaged in a farming or
30 ranching activity, including the operation of a feedlot as defined
31 by K.S.A. 47-1501, and amendments thereto, as long as the
32 accumulation has a beneficial use to the person accumulating
33 the tires and (i) the secretary determines that the use has no
34 adverse environmental effects and (ii) the accumulation is in
35 accordance with all applicable zoning regulations; or

36 (3) deposit waste tires in a landfill as a method of ultimate
37 disposal, except that the secretary, by rules and regulations,
38 may (A) authorize the final disposal of waste tires at a permitted
39 solid waste disposal facility provided the tires have been cut
40 into sufficiently small parts to assure their proper disposal or
41 are utilized as part of a proven and approved leachate collection
42 system in their original state and (B) allow waste tire material
43 which has been cut into sufficiently small parts to be used as

Strike lines 12-17.

1 ~~daily cover material for a landfill;~~

2 (3) *deposit baled waste tires except in a permitted tire monofill*
 3 *or cell within a permitted landfill unless approved by the director;*

4 (4) *receive money in exchange for waste tires unless the person*
 5 *holds a permit issued by the secretary under K.S.A. 65-3424b and*
 6 *amendments thereto; or*

7 (5) *accumulate or store waste tires or waste tire products for*
 8 *speculative purposes unless the director finds that the tires or tire*
 9 *products have an economic value.*

10 Sec. 3. K.S.A. 65-3424b is hereby amended to read as follows:
 11 65-3424b. (a) The secretary shall establish a system of permits for
 12 waste tire processing facilities and permits for waste tire collectors
 13 and, waste tire transporters and waste tire collection centers. Such
 14 permits shall be issued for a period of one year and shall require
 15 an application fee established by the secretary in an amount not
 16 exceeding \$250 per year.

17 (b) The secretary shall establish *technical and financial* standards
 18 for waste tire processing facilities and associated waste tire sites,
 19 waste tire collection centers and waste tire collectors transporters.

20 (c) ~~On and after December 31, 1991,~~ No person shall:

21 (1) Own or operate a waste tire processing facility or waste tire
 22 collection center or act as a waste tire collector transporter unless
 23 such person holds a valid permit issued therefor pursuant to sub-
 24 section (a); or

25 (2) own or operate a waste tire processing facility or waste tire
 26 collection center or act as a waste tire collector transporter except
 27 in compliance with the standards established by the secretary pur-
 28 suant to subsection (b).

29 (d) The provisions of subsection (c)(1) shall not apply to:

30 (1) A tire retreading business where fewer than 1,000 waste
 31 tires are kept on the business premises;

32 (2) a business that, in the ordinary course of business, removes
 33 tires from motor vehicles if fewer than 1,000 of these tires are kept
 34 on the business premises *at all times*;

35 (3) a retail tire-selling business which is serving as a waste tire
 36 collection center if fewer than 1,000 waste tires are kept on the
 37 business premises *at all times*;

38 (4) the department of wildlife and parks; or

39 (5) a person engaged in a farming or ranching activity, in-
 40 cluding the operation of a feedlot as defined by K.S.A. 47-1501,
 41 and amendments thereto *farmer, rancher or feedlot operator*, as
 42 long as the accumulation of waste tires has a beneficial use approved
 43 by the director; or

except for a retail tire business charging
 a fee for the service of disposing of a
 customers waste tires.

7-8

1 (6) a permitted solid waste landfill where waste tires are tem-
2 porarily stored prior to processing.

3 Sec. 4. K.S.A. 65-3424f is hereby amended to read as follows:
4 65-3424f. (a) ~~On or before December 31, 1991,~~ The secretary shall
5 establish a program to make grants to private companies, cities and
6 counties which, individually or collectively, submit to the ~~secretary~~
7 ~~department of health and environment~~ plans, approved by the ~~see-~~
8 ~~retary~~ director, to:

9 (1) Enforce laws relating to collection and disposal of tires;

10 (2) encourage recycling of tires; ~~or~~

11 (3) develop and implement management plans for collection,
12 ~~abatement,~~ recycling and disposal of tires;

13 (4) ~~develop and implement educational programs and materials~~
14 ~~for informing the public about waste tire management; or~~

15 (5) ~~develop and implement abatement plans for waste tire ac-~~
16 ~~cumulations.~~

17 (b) Each private company, city, county or group of private com-
18 panies, cities or counties submitting a plan approved by the ~~see-~~
19 ~~retary~~ director shall be eligible for grants pursuant to this section
20 on the basis of priority as determined by the ~~secretary~~. ~~No recipient~~
21 ~~shall be eligible to receive such grants for more than two con-~~
22 ~~secutive fiscal years~~ director. The secretary shall require any pri-
23 vate company receiving a grant pursuant to this section to file with
24 the secretary a surety bond, cash bond or other security in an amount
25 and form approved by the secretary and conditioned on the use of
26 the grant in accordance with the plan approved by the ~~secretary~~
27 director.

28 (c) Private companies, cities and counties may join together, pool-
29 ing their financial resources, when utilizing their grants for the pur-
30 poses described in subsection (a).

31 (d) The ~~secretary~~ director, in cooperation with the statewide
32 coordinator of waste reduction, recycling and market development,
33 may provide technical assistance, upon request, to a private com-
34 pany, city, county or group of private companies, cities or counties
35 desiring assistance in applying for waste tire grants or choosing a
36 method of waste tire management which would be an eligible use
37 of the grant funds.

38 Sec. 5. K.S.A. 65-3424g is hereby amended to read as follows:
39 65-3424g. (a) There is hereby established in the state treasury the
40 waste tire management fund.

41 (b) Moneys in the waste tire management fund shall be used
42 only for the purpose of:

43 (1) Making grants as provided by K.S.A. 65-3424f, and amend-

ments thereto; and

(2) paying compensation and other expenses of employing personnel to carry out the duties of the secretary pursuant to K.S.A. 65-3424 through 65-3424h, and amendments thereto, but not more than 9% or \$130,000, whichever amount is less, of the moneys credited to the fund during the fiscal year shall be used for such purpose

(2) payment of the administrative, technical and legal costs incurred by the department of health and environment in carrying out the provisions of K.S.A. 65-3424 through 65-3424i, and amendments thereto; and

(3) action by the department to abate waste tires accumulated prior to July 1, 1990, or to abate a nuisance or risk to the public health or the environment created or which could be created by waste tires accumulated after July 1, 1990, if the owner or operator of the site has not been identified or has not abated the nuisance.

(c) All expenditures from the waste tire management fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

New Sec. 6. (a) The secretary may undertake appropriate abatement action and may enter into contracts, including grant contracts, for abatement of waste tire accumulations, utilizing funds from the waste tire management fund.

(b) Any authorized representative of the secretary is authorized to enter, at reasonable times and upon written notice, onto any property or premises where an accumulation of waste tires is located to conduct an abatement of the accumulation.

(c) Whenever the secretary has reason to believe that an owner or operator has accumulated waste tires that create a nuisance or risk to public health or the environment, the secretary may require that owner or operator to abate the accumulation. Such abatement shall be performed in accordance with a plan approved by the director. The secretary shall give notice, by letter, to the owner and operator that the waste tires constitute a nuisance or risk to public health or the environment, and that the waste tire accumulation must be abated within a specified period. If the owner or operator fails to take the required action within the specified period, the secretary may undertake abatement action utilizing funds from the waste tire management fund. All costs incurred by the secretary in abatement of waste tires accumulated after July 1, 1990, including administrative and legal expenses, are recoverable from an owner or operator and may be recovered in a civil action in district court.

1 brought by the secretary. Abatement costs recovered under this
2 section shall be remitted to the state treasurer, who shall deposit
3 the entire amount in the state treasury and credit it to the waste
4 tire management fund. An action to recover abatement costs may
5 be commenced at any stage of an abatement.

6 (d) Neither the state of Kansas nor the waste tire management
7 fund shall be liable to any owner or operator for the loss of business,
8 damages or taking of property associated with any abatement or
9 enforcement action taken pursuant to this section.

10 New Sec. 7. (a) Any person adversely affected by any order or
11 decision of the secretary pursuant to K.S.A. 65-3424 through 65-
12 3424i, and amendments thereto, may, within 15 days of service of
13 the order or decision, request in writing a hearing. Hearings under
14 this section shall be conducted in accordance with the provisions of
15 the Kansas administrative procedure act.

16 (b) Any person adversely affected by any action of the secretary
17 pursuant to this act may obtain review of such action in accordance
18 with the act for judicial review and civil enforcement of agency
19 actions.

20 Sec. 8. K.S.A. 65-3424, 65-3424a, 65-3424b, 65-3424f and 65-
21 3424g and K.S.A. 1993 Supp. 65-3424j are hereby repealed.

22 Sec. 9. This act shall take effect and be in force from and after
23 its publication in the Kansas register.

State of Kansas

Joan Finney, Governor



Department of Health and Environment

Robert C. Harder, Secretary

TESTIMONY PRESENTED TO

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

by

Kansas Department of Health and Environment

HOUSE BILL 3009

February 21, 1994

Background and Purpose

House Bill 3009 makes several revisions in the existing waste tire laws which are part of the comprehensive solid waste statutes. KDHE drafted this bill for the Waste Tire Subcommittee based upon comments received from the House and Senate Energy and Natural Resources Committees and other interested parties. In addition, several changes to the statutes are based upon observations made by KDHE staff over the past 3 years.

Overall, the Waste Tire Program has yielded many positive results since its inception in 1990. However, there is much more work to be done to correct tire problems and to establish a waste tire management system which covers the entire state and which operates with minimal government subsidy. It is KDHE's ultimate goal that the government and private systems which are currently being established and supported through the grant program will become self-sufficient with virtually all waste tires entering a regulated private (and in some cases public) management system.

The major goals of this bill are to increase KDHE's resources to facilitate compliance and enforcement activities; to allow more flexibility in the manner in which the waste tire fund can be used to abate tire problems; to clarify some uncertainties in the applicability of the law; and to eliminate loopholes in the law.

Key Statutory Changes in House Bill 3009

House Bill 3009 provides for significant changes in the existing statutes. A list of key changes is provided below:

1. Several new definitions have been added to clear up applicability and coverage of certain provisions. These include such terms as director, farmer or rancher, feedlot operator, tire monofill, trailer, vehicle, waste tire transporter, and others.
2. The term beneficial use was modified to require approval by KDHE. Also, no person may accept money for waste tires and be granted the beneficial use exemption. When money is accepted by the user, the use constitutes disposal because the economic benefit to the user is inadequate to support the use without a financial subsidy. Only permitted waste tire transporters, processors, collection centers or monofills, or permitted solid waste landfills which temporarily store waste tires prior to processing may receive money for waste tires. Many common beneficial uses such as boat bumpers, playground equipment, and feedlot tarp control will be specified in regulations to avoid the need for many individual approvals by KDHE.
3. Retail tire businesses will be required to maintain records of tire sales and disposal for a minimum of three years and provide such records to the department upon request. These records will assist KDHE in future enforcement activity and will protect the interests of the tire businesses by demonstrating that tires were properly managed.

Energy & Natural Resources
Attachment # 9
2/21/94

4. A financial assurance standard will be added to the requirements for waste tire permit holders. The waste tire regulations already require that financial assurance be demonstrated for permitted operations.
5. The two consecutive year limitation on tire grants will be eliminated to allow abatement projects to proceed uninterrupted when necessary. This is particularly important to regions which, in some cases, have long lists of projects to be completed. There is a potential problem associated with allowing counties to apply for grants each year without time limitations. Some counties may fail to commit any local resources for tire problems, instead depending fully on grant funds to run local programs. The fund is insufficient to maintain county tire programs on a regular basis, but instead should be considered as a resource to abate tire problems or to serve as seed money to start up good local programs. Despite this concern, it is KDHE's opinion that the 2 year limit on consecutive grants awards is more of a problem and could prevent some problems from being addressed in a timely manner.
6. The bill will eliminate the current cap on administrative costs which is 9% of fund revenues or \$130,000, whichever is less. Additional funds are needed to fully address all program concerns related to inspections, enforcement, grants, regulations, and permitting. The estimated fiscal impacts of this change are summarized below.
7. The bill gives KDHE authority to use the waste tire fund through direct contracts to abate problems which pose a risk to human health or the environment or which create a nuisance.
8. KDHE will be given the authority to enter properties where tire problems exist to abate the problems. Prior written notice will be provided to the property owner or person(s) responsible for the tire problem.
9. KDHE will be given the authority to recover funds for work performed directly by KDHE or through a grant to local government for any tire problems resulting from improper disposal after the tire law went into effect, which is July 1, 1990. KDHE may request responsible parties to address their pre-law tire problems; however, no cost recovery actions will proceed against parties responsible for pre-law problems. This provision which limits cost recovery to post-law problems was developed in accordance with comment received from members of the House and Senate Energy and Natural Resources Committees regarding original legislative intent. This limitation may allow some financially able persons to be relieved from the responsibility of cleaning up problems which they caused.

Fiscal Implications

The fiscal implications of this bill are related to the use of the Waste Tire Fund which currently receives about \$100,000 per month from the sale of new tires. The current fee on new tires of \$.50 is adequate and no increase is recommended.

First, KDHE will have the flexibility to utilize the fund as necessary to ensure that all program needs are satisfied including inspections, complaint investigations, enforcement, permitting, grants, and regulation development. Currently, only about \$90,000 to \$100,000 per year is used to operate this comprehensive program. This provides fewer than 3 people to run a complex program covering the entire state. KDHE proposes to add 3 persons to allow the Bureau of Waste Management and Bureau of District Operations to adequately oversee all aspects of the program.

The increased flexibility which the bill would provide in awarding grants or direct contracts to clean up problems would likely result in better utilization of the fund. Reserve amounts would probably be less at any point in time than presently exists; however, KDHE would manage the fund in a manner which ensures that adequate resources are on hand for emergencies and to maintain agency functions.

Testimony by Steve Kearney

before the House Energy and Natural Resources Committee

on behalf of WMX Technologies, Inc.

February 21, 1994

re: HB 3009

*Energy & Natural Resources
attachment #10
2/21/94*

Chairman Holmes and members of the Committee, thank you for this opportunity to appear before you and offer testimony on HB 3009. I am Steve Kearney, and I am appearing today on behalf of WMX Technologies, Inc.

We support the general concepts advanced by HB 3009 and have appeared previously on waste tire legislation favoring responsible reuse and disposal of waste tires. Several years ago, when the waste tire law that is before you to be amended today was passed, language was included that allowed landfills the flexibility to use tires in creative and innovative ways.

That language, found on page 3, lines 36-43 and continuing on page 4, line 1, is stricken in this bill. The language, which is contained in current law, allows the secretary to approve of landfill disposal of tires cut into sufficiently small pieces, use whole tires as part of a leachate collection system and use waste tire material as part of daily cover material.

We respectfully request that the Committee reinsert the stricken language to maintain the flexibility of landfills, under the Secretary's scrutiny, to continue to use innovative and creative means of utilizing waste tires and waste tire products. It also allows the Secretary to permit the disposal of waste tires at landfills as another alternative to an ongoing disposal problem.

I have taken the liberty of attaching a balloon of the bill for your review. Thank you for your every consideration in this matter.

1 *Tire transporter does not include:*

2 (1) *Solid waste transporters or collectors who collect mixed res-*
3 *idential solid waste and who transport fewer than five tires at a*
4 *time from any location; or*

5 (2) *persons who transport fewer than five tires for disposal.*

6 Sec. 2. K.S.A. 65-3424a is hereby amended to read as follows:

7 65-3424a. (a) The owner or operator of any waste tire site, within
8 six months after the effective date of this act, shall provide the
9 department with information concerning the site's location and
10 size and the approximate number of waste tires that are ac-
11 cumulated at the site and shall initiate steps to comply with
12 subsection (b) a retail tire business shall maintain a yearly record
13 accounting for the number of new and used tires sold to the public
14 and the number of waste tires collected from the public and the
15 method of disposal of collected tires. Tire retailers shall make avail-
16 able to the department on request all records concerning waste tires
17 collected and disposed during the preceding three years.

18 (b) On or after July 1, 1990, No person shall:

19 (1) Maintain a waste tire site unless: (A) such site is which is
20 not an integral part of the person's waste tire processing facility; or
21 (B) the tires accumulated at such site are for use in the person's
22 tire retreading business;

23 (2) dispose of waste tires in the state unless the waste tires
24 are disposed of for processing; or collected for processing; at
25 a solid waste processing facility; a waste tire site which is an
26 integral part of a waste tire processing facility; a waste tire
27 processing facility or a waste tire collection center or are made
28 available to: (A) The department of wildlife and parks for use
29 by the department; or (B) a person engaged in a farming or
30 ranching activity, including the operation of a feedlot as defined
31 by K.S.A. 47-1501, and amendments thereto, as long as the
32 accumulation has a beneficial use to the person accumulating
33 the tires and (i) the secretary determines that the use has no
34 adverse environmental effects and (ii) the accumulation is in
35 accordance with all applicable zoning regulations; or

36 (3) deposit waste tires in a landfill as a method of ultimate
37 disposal, except that the secretary, by rules and regulations,
38 may (A) authorize the final disposal of waste tires at a permitted
39 solid waste disposal facility provided the tires have been cut
40 into sufficiently small parts to assure their proper disposal or
41 are utilized as part of a proven and approved leachate collection
42 system in their original state and (B) allow waste tire material
43 which has been cut into sufficiently small parts to be used as

Reinsert lines 36-43

Reinsert line 1.

1 daily cover material for a landfill;

2 (3) deposit baled waste tires except in a permitted tire monofill
3 or cell within a permitted landfill unless approved by the director;

4 (4) receive money in exchange for waste tires unless the person
5 holds a permit issued by the secretary under K.S.A. 65-3424b and
6 amendments thereto; or

7 (5) accumulate or store waste tires or waste tire products for
8 speculative purposes unless the director finds that the tires or tire
9 products have an economic value.

10 Sec. 3. K.S.A. 65-3424b is hereby amended to read as follows:
11 65-3424b. (a) The secretary shall establish a system of permits for
12 waste tire processing facilities and permits for waste tire collectors
13 and, waste tire transporters and waste tire collection centers. Such
14 permits shall be issued for a period of one year and shall require
15 an application fee established by the secretary in an amount not
16 exceeding \$250 per year.

17 (b) The secretary shall establish *technical and financial* standards
18 for waste tire processing facilities and associated waste tire sites,
19 waste tire collection centers and waste tire collectors transporters.

20 (c) ~~On and after December 31, 1991,~~ No person shall:

21 (1) Own or operate a waste tire processing facility or waste tire
22 collection center or act as a waste tire collector transporter unless
23 such person holds a valid permit issued therefor pursuant to sub-
24 section (a); or

25 (2) own or operate a waste tire processing facility or waste tire
26 collection center or act as a waste tire collector transporter except
27 in compliance with the standards established by the secretary pur-
28 suant to subsection (b).

29 (d) The provisions of subsection (c)(1) shall not apply to:

30 (1) A tire retreading business where fewer than 1,000 waste
31 tires are kept on the business premises;

32 (2) a business that, in the ordinary course of business, removes
33 tires from motor vehicles if fewer than 1,000 of these tires are kept
34 on the business premises at all times;

35 (3) a retail tire-selling business which is serving as a waste tire
36 collection center if fewer than 1,000 waste tires are kept on the
37 business premises at all times;

38 (4) the department of wildlife and parks; or

39 (5) a person engaged in a farming or ranching activity, in-
40 cluding the operation of a feedlot as defined by K.S.A. 47-1501,
41 and amendments thereto farmer, rancher or feedlot operator, as
42 long as the accumulation of waste tires has a beneficial use approved
43 by the director; or

16-4

16-4

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Expressing the Motor Carrier Industry's concern with the definition of "waste tire transporter" as it appears in House Bill No. 3009.

Presented to the House Committee on Energy and Natural Resources, Rep. Carl Holmes, Chairman; Statehouse, Topeka, Monday, February 21, 1994.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director for the Kansas Motor Carriers Association. I appear here today on behalf of our members and the highway transportation industry to express our concern with the definition of "waste tire transporter" found on page 2, line 40, of House Bill No. 3009.

The definition reads:

(u) "Waste tire transporter" means a person who transports waste tires to a permitted waste tire collection center, permitted waste tire processing facility or permitted solid waste disposal area for the purpose of storage, processing or disposal of waste tires.

Tire transporter does not include:

(1) Solid waste transporter or collectors who collect mixed residential solid waste and who transport fewer than five tires at a time from any location; or

(2) persons who transport fewer than five tires for disposal.

*Energy Natural Resources
Attachment #11
2/21/94*

This definition would include anybody who transports more than six tires at any given time. If H.B. 3009 were to become law, truck owners who have their own maintenance facilities and transport six or more of their own waste tires to a proper disposal site would be required to obtain a waste tire transporter permit and pay a fee annually of up to \$250.00.

In addition, a for-hire motor carrier transporting waste tires for a consignor to a consignee would be required to secure a waste tire transporter permit over and above the existing regulatory, fuel and registration credentials.

The definition of "waste tire transporter" must be narrowed to apply only to those who are in the business of collecting, transporting and disposing of waste tires. We ask the Committee to revise the definition of "waste tire transporter" as we have suggested. Without such definition revision, the Kansas Motor Carriers Association strongly opposes House Bill No. 3009.

I will try to answer any questions you may have.

#####

JAMES PETER RUANE

ATTORNEY AT LAW

P. O. BOX 3883

WICHITA, KANSAS 67201

FOURTH FLOOR - THE FIDELITY BUILDING
100 EAST ENGLISH

TELEPHONE (316) 266-7400
FAX (316) 266-7424

February 18, 1994

House Energy and Natural Resources Committee
c/o Ted Fisher
VIA FAX TO: 913/296-1985

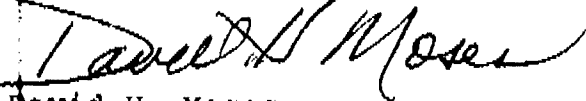
RE: HB 3008 - Recycled Paper for Lawyers and Courts

Representatives:


Please accept this written testimony in support of HB 3008. We are attorneys who practice in Wichita and we believe that the proposed legislation will encourage the development of more recycled paper products for lawyers and courts. The proposed bill is a moderate approach which would appropriately encourage the greater use of recycled paper products by lawyers, the judicial system and administrative agencies.

All Kansans share an interest in fostering the effective and efficient management of solid waste and conservation of the natural resources from which paper is produced. Because of the proposed legislation's likelihood to protect and enhance the environment of Kansas and the health and safety of the citizens of Kansas, we encourage your adoption of House Bill 3008.

Very truly yours,



David H. Moses
Curfman, Harris, Rose, Weltz & Smith



James P. Ruane

DHM/JPR:pjd

cc: Ken Grotewill

Energy & Natural Resources
Attachment #12
2/21/94

HOUSE BILL No. 2732

By Committee on Energy and Natural Resources

1-25

AN ACT establishing an urban forestry program administered by the state forester; amending K.S.A. 1993 Supp. 76-425d ~~and 70-4804~~ section and repealing the existing sections.

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

Section 1. K.S.A. 1993 Supp. 76-425d is hereby amended to read as follows: 76-425d. Under the general supervision of the board and direct administration of Kansas state university, the office shall:

(a) Supervise, generally, all forestry demonstrations and all forestation and reforestation work conducted by the state;

(b) promote practical forestry;

(c) encourage the development and use of forest resources;

(d) compile and publish information and instructions relating to forestry and reforestation;

(e) provide assistance in forestry and reforestation to owners and operators of forest lands;

(f) provide assistance for the protection of the forest resources of the state, both public and private, from insects and diseases;

(g) provide assistance for the prevention and suppression of forest, brush or grassland fires in nonfederal areas of the state except on lands within the exterior boundaries of incorporated cities;

(h) foster and promote the control of soil erosion on forest lands;

(i) carry on an assistance program with forest landowners and operators in the practice of forestry, including the growing, harvesting and marketing of forest products and in the management of forests for other multiple benefits such as water quality, streambank stabilization, erosion control, wildlife and recreation;

(j) carry on an assistance program with forest products processors in the processing and marketing of such products;

(k) cooperate with other agencies and organizations in conducting forestry related programs, including educational, riparian and wetland protection and nonpoint source pollution control;

(l) produce, procure and distribute forest-tree seeds and plants for the purpose of establishing or reestablishing forests, windbreaks, shelter belts, living snowfences, farm woodlots, Christmas tree plantings, erosion control water quality, wildlife habitat and other con-

Energy & Natural Resources
Committee #13

2/2/94

#13

1 servation type tree plantings;

2 (m) provide an assistance program to nonforest landowners and
3 operators in establishing trees and shrubs for conservation plantings;

4 (n) provide assistance to city governing bodies in planting, main-
5 taining, treating and removing trees on public property; ~~and~~

6 (o) provide information and education to city governing bodies,
7 tree care professionals and the general public in urban and com-
8 munity tree planting and care ; and

9 (p) ~~establish an urban forestry program to administer grants to~~
10 ~~tree cities USA. To qualify as a tree city USA, as designated by the~~
11 ~~national arbor day foundation and the state forester, a city must~~
12 ~~have: (1) A qualified tree board; (2) a city ordinance establishing a~~
13 ~~tree planting program; and (3) appropriate \$2 per capita to the tree~~
14 ~~planting program. The qualifying city shall apply annually for a~~

Subject to appropriation acts,

15 ~~grant from the office of state and extension forestry. The state for-~~
16 ~~ester shall award annually grants of up to \$5000 to each qualified~~
17 ~~tree city from the urban forestry fund which is hereby created. All~~
18 ~~money credited to the urban forestry fund shall be expended for~~
19 ~~the payment of grants awarded pursuant to this subsection and for~~
20 ~~the administration of the urban forestry program. Those tree cities~~
21 ~~that receive grants must file an annual report as required by state~~
22 ~~and extension forestry. State and extension forestry shall file an~~
23 ~~annual report of accomplishment to the legislature. All expenditures~~
24 ~~from the urban forestry fund shall be made in accordance with~~
25 ~~appropriation acts upon warrants of the director of accounts and~~
26 ~~reports issued pursuant to vouchers approved by the state forester~~
27 ~~or by a person or persons designated by the state forester.~~

28 Sec. 2. K.S.A. 1993 Supp. 79-4804 is hereby amended to read
29 as follows: 79-4804. (a) An amount equal to 90% of all moneys cred-
30 ited to the state gaming revenues fund shall be transferred and
31 credited to the state economic development initiatives fund which
32 is hereby created in the state treasury. Expenditures from the state
33 economic development initiatives fund shall be made in accordance
34 with appropriations acts for the financing of such programs supporting
35 and enhancing the existing economic foundation of the state and
36 fostering growth through the expansion of current, and the estab-
37 lishment and attraction of new, commercial and industrial enterprises
38 as provided by this section and as may be authorized by law and
39 not less than 1/2 of such money shall be distributed equally among
40 the congressional districts of the state. Except as provided by sub-
41 section (g) or subsection (h), all moneys credited to the state eco-
42 nomic development initiatives fund shall be credited within the fund,
43 as provided by law, to an account or accounts of the fund which are

1 created by this section.

2 (b) There is hereby created the Kansas capital formation account
3 in the state economic development initiatives fund. All moneys cred-
4 ited to the Kansas capital formation account shall be used to provide,
5 encourage and implement capital development and formation in Kan-
6 sas.

7 (c) There is hereby created the Kansas economic development
8 research and development account in the state economic develop-
9 ment initiatives fund. All moneys credited to the Kansas economic
10 development research and development account shall be used to
11 promote, encourage and implement research and development pro-
12 grams and activities in Kansas and technical assistance funded
13 through state educational institutions under the supervision and con-
14 trol of the state board of regents or other Kansas colleges and uni-
15 versities.

16 (d) There is hereby created the Kansas economic development
17 endowment account in the state economic development initiatives
18 fund. All moneys credited to the Kansas economic development
19 endowment account shall be accumulated and invested as provided
20 in this section to provide an ongoing source of funds which shall be
21 used for economic development activities in Kansas, including but
22 not limited to continuing appropriations or demand transfers for
23 programs and projects which shall include, but are not limited to,
24 specific community infrastructure projects in Kansas that stimulate
25 economic growth.

26 (e) Except as provided in subsection (f), the pooled money in-
27 vestment board may invest and reinvest moneys credited to the state
28 economic development initiatives fund in obligations of the United
29 States of America or obligations the principal and interest of which
30 are guaranteed by the United States of America or in interest-bearing
31 time deposits in any commercial bank located in Kansas, or, if the
32 board determines that it is impossible to deposit such moneys in
33 such time deposits, in repurchase agreements of less than 30 days'
34 duration with a Kansas bank or with a primary government securities
35 dealer which reports to the market reports division of the federal
36 reserve bank of New York for direct obligations of, or obligations
37 that are insured as to principal and interest by, the United States
38 government or any agency thereof. All moneys received as interest
39 earned by the investment of the moneys credited to the state ec-
40 onomic development initiatives fund shall be deposited in the state
41 treasury and credited to the Kansas economic development endow-
42 ment account of such fund.

43 (f) Moneys credited to the Kansas economic development en-

1 ~~endowment account of the state economic development initiatives fund~~
2 ~~may be invested in government guaranteed loans and debentures as~~
3 ~~provided by law in addition to the investments authorized by sub-~~
4 ~~section (e) or in lieu of such investments. All moneys received as~~
5 ~~interest earned by the investment under this subsection of the mon-~~
6 ~~eys credited to the Kansas economic development endowment ac-~~
7 ~~count shall be deposited in the state treasury and credited to the~~
8 ~~Kansas economic development endowment account of the state ec-~~
9 ~~onomic development initiatives fund.~~

10 (g) In each fiscal year, the director of accounts and reports shall
11 make transfers in equal amounts on July 15 and January 15 which
12 in the aggregate equal \$2,000,000 from the state economic devel-
13 opment initiatives fund to the state water plan fund created by K.S.A.
14 82a-951, and amendments thereto. No other moneys credited to the
15 state economic development initiatives fund shall be used for: (1)
16 Water-related projects or programs, or related technical assistance;
17 or (2) any other projects or programs, or related technical assistance,
18 which meet one or more of the long-range goals, objectives and
19 considerations set forth in the state water resource planning act.

20 (h) ~~In each fiscal year, the director of accounts and reports shall~~
21 ~~make a transfer on July 1 of \$401,150 from the state economic~~
22 ~~development initiatives fund to the urban forestry fund created by~~
23 ~~K.S.A. 76-425d, and amendments thereto.~~

24 ~~Sec. 3. K.S.A. 1993 Supp. 76-425d and 79-4804 are hereby re-~~
25 ~~pealed.~~

26 ~~Sec. 4. This act shall take effect and be in force from and after~~
27 ~~its publication in the statute book.~~

is

2

3

13-4

13-4

1 servation type tree plantings;

2 (m) provide an assistance program to nonforest landowners and
3 operators in establishing trees and shrubs for conservation plantings;

4 (n) provide assistance to city governing bodies in planting, main-
5 taining, treating and removing trees on public property; ~~and~~

6 (o) provide information and education to city governing bodies,
7 tree care professionals and the general public in urban and com-
8 munity tree planting and care ; and

9 (p) *establish an urban forestry program to administer grants to*
10 *tree cities USA. To qualify as a tree city USA, as designated by the*
11 *national arbor day foundation and the state forester, a city must*
12 *have: (1) A qualified tree board; (2) a city ordinance establishing a*
13 *tree planting program; and (3) appropriate \$2 per capita to the tree*
14 *planting program. The qualifying city shall apply annually for a*
15 *grant from the office of state and extension forestry. The state for-*
16 *ester shall award annually, grants of ~~up to~~ \$5000 to each qualified*
17 *tree city from the urban forestry fund which is hereby created. All*
18 *money credited to the urban forestry fund shall be expended for*
19 *the payment of grants awarded pursuant to this subsection and for*
20 *the administration of the urban forestry program. Those tree cities*
21 *that receive grants must file an annual report as required by state*
22 *and extension forestry. State and extension forestry shall file an*
23 *annual report of accomplishment to the legislature. All expenditures*
24 *from the urban forestry fund shall be made in accordance with*
25 *appropriation acts upon warrants of the director of accounts and*
26 *reports issued pursuant to vouchers approved by the state forester*
27 *or by a person or persons designated by the state forester.*

28 Sec. 2. K.S.A. 1993 Supp. 79-4804 is hereby amended to read
29 as follows: 79-4804. (a) An amount equal to 90% of all moneys cred-
30 ited to the state gaming revenues fund shall be transferred and
31 credited to the state economic development initiatives fund which
32 is hereby created in the state treasury. Expenditures from the state
33 economic development initiatives fund shall be made in accordance
34 with appropriations acts for the financing of such programs supporting
35 and enhancing the existing economic foundation of the state and
36 fostering growth through the expansion of current, and the estab-
37 lishment and attraction of new, commercial and industrial enterprises
38 as provided by this section and as may be authorized by law and
39 not less than 1/2 of such money shall be distributed equally among
40 the congressional districts of the state. Except as provided by sub-
41 section (g) or subsection (h), all moneys credited to the state eco-
42 nomic development initiatives fund shall be credited within the fund,
43 as provided by law, to an account or accounts of the fund which are

#119