

Approved: March 2, 2000

Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Chairperson Senator David Corbin at 8:00 a.m. on February 18, 2000 in 245-N of the Capitol.

All members were present except:

Committee staff present:

Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Ken Peterson, American Petroleum Institute

Others attending:

See attached list.

With a motion from Senator Goodwin and a second from Senator Morris the minutes of February 15 and 16 were approved as written.

A fiscal note for **SB 597** was distributed.

Chairperson Corbin said that he and the Staff of Kansas Department of Health and Environment (KDHE) had worked with the interested parties to drafted a **Substitute Bill for SB 469** concerning MTBEs. The agenda for the meeting was to review, adopt and discuss the **Substitute Bill for SB 469.**

Staff reviewed the **Substitute Bill for SB 469.**

Ken Peterson, American Petroleum Institute responding to questions provided the following information. He said at the present the percentage of MTBEs in premium gasoline is between 8 and 10%; and the percent amount in the Substitute Bill came from Department of Health and Environment and the time table for phase out came from Chairperson Corbin. Mr. Peterson recommended the Substitute Bill be drafted to include a twelve month frame (July 1, 2001) to comply before KDHE would need to post a notice on each dispenser stating "This Fuel Contains MTBE" and 18 months before the industry would need to comply with the limit of 0.5% by volume of MTBE contained in motor fuel. Finally Mr. Peterson recommended that section (h) on page 2 of the Substitute Bill be deleted.

Senator Stephens moved that **SB 469** be amended by substituting a new bill to be designated as **Substitute for SB 469.** Senator Morris seconded the motion. Motion carried.

Senator Vratil offered an amendment to include a section in the substitute bill stating a provision that the bill shall not take effect until the United States environmental protection agency grants a waiver allowing the state of Kansas to control or prohibit the use of MTBE in motor-vehicle fuels. The motion was seconded by Senator Huelskamp. Committee discussion followed. Ken Peterson was called on to provided and update on the Kansas City area air quality situation. He stated Kansas could not enact the proposed legislation without the EPA clean air act waiver. The motion carried.

A motion was made by Senator Morris to move all of the dates in the bill back six months. Senator Goodwin seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

A motion was made by Senator Huelskamp to move all of the dates in the bill back another six months. Senator Tyson seconded the motion. Discussion followed. Some committee members thought this would make it easier for the agencies effected by the bill to budget for it. The motion carried.

Senator Huelskamp made a motion that language be insert in section (g) in line 2, and after person new language “knowingly and willfully” be inserted. Senator Goodwin seconded the motion. Motion carried.

Senator Huelskamp moved to strike section (h). Senator Biggs seconded the motion. The motion failed.

A motion was made by Senator Huelskamp to include language “after the effective date of the bill the state shall not purchase any gasoline containing MTBE. The motion was seconded by Senator Pugh. Discussion followed. Senator Huelskamp amended the motion to be “once the state knows were the MTBE is and the sticker is in place the state shall not purchase any gasoline containing MTBE. The second, Senator Pugh agreed to amend the motion. Discussion followed. The question was called for and the motion failed.

Senator Goodwin moved that **Substitute for Senate Bill 469** including the amendments adopted by the committee be passed. Senator Stephens seconded the motion. The motion carried.

The meeting adjourned at 9:01 a.m. The next scheduled meeting of the committee will be held on Monday, February 21, 2000.