

Approved

Date

Stephen R. Cloud 3-6-86

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Stephen R. Cloud at
Chairperson

9:09 a.m./p.m. on Wednesday, March 5, 1986 in room 522-S of the Capitol.

All members were present except:

Committee staff present:

Avis Swartzman - Revisor
Carolyn Rampey - Legislative Research Dept.

Conferees appearing before the committee:

Dr. Roger Carlson - Head of the office of Laboratory Services, KDHE
Robert Kleopfer - EPA, Kansas City Office

The meeting of the House Governmental Organization Committee was called to order at 9:09 a.m. by Representative Stephen R. Cloud, Chairman. The minutes of the February 26 meeting were approved on a motion by Representative Brown, with a second by Representative Sughrue. The agenda for the meeting was HB 3041 and the Subcommittee 2 Report.

Dr. Roger Carlson, head of the office of laboratory services of the Department of Health and Environment was present to give the official position of KDHE, which is strong support of the bill. Dr. Carlson cited statistics, among which included the fact that 260,000 samples and specimens are received each year to produce three quarters of a million test results annually. Where parts per thousand and million were once measures used, parts per million and billion are now being required to assess exposure to a large number of toxic chemicals. Sophisticated instrumentation is needed to accomplish this responsibility. The current investment in this type of instrumentation is \$1,400,000. Expected instrument life is 7 years. Three quarters of the staff are microbiologists and chemists, with each person holding at the least a bachelor's degree. One fourth of the staff are support persons. Laboratory fees now amount to \$350,000 per year. Placing half that sum in a fee fund would insure continuity of service by the Department. (See Attachment A)

Robert Kleopfer, employed by the Environmental Protection Agency as Chief of the Laboratory Branch in Kansas City, spoke of the need to purchase and maintain certain types of analytical equipment for measurement of dioxin and PCBs, as well as other chemicals. This requires extremely sophisticated and costly instrumentation for the protection of the public. An ongoing and continuous funding mechanism is needed for the purchase and maintenance of this equipment. (See Attachment B)

The committee discussed how such a fund would be maintained. The Ways and Means Committee would have to authorize expenditure of funds, whether or not all the monies went into the general fund or if there was a separate fund.

Representative Sutter asked Secretary Sabol if she would provide the Committee with a sheet showing the cost of the services the laboratory provides.

This ended the hearing on HB 3041.

Representative Brown presented the Subcommittee 2 Report which recommended passage of HB 2700. The 18 items contained in the report were reviewed, with numbers 6, 7 and 17 recommending the drafting of letters to the appropriate persons or agencies by the Chairman. The Secretary of KDHE was asked to respond with appropriate action on items 11, 14 and 15. Item 18 recommended copies of the report be given to the House and Senate Committees on Energy and Natural Resources and the Ways and Means Subcommittee considering the KDHE budget. (See Subcommittee 2 Report, Attachment C)

Representative Brown moved the adoption of the Subcommittee 2 Report. Representative Barr gave a second to the motion. The motion carried.

The Chairman reviewed the agenda for March 6 and stated that final action could be taken on a number of bills.

The meeting adjourned at 10:00 a.m.

SRE

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony on HB 3041

This is the official position of the Kansas Department of Health and Environment:

Presented to the House Governmental Organization Committee, March 5, 1986.

The State Public Health Laboratories have provided scientific analyses in support of Kansas public health issues for nearly one hundred years. Two hundred sixty thousand samples and specimens are now received each year to produce three quarters of a million test results annually. These laboratory analyses represent the primary information base for both local and state-wide decisions on the prevention of disease and the establishment of a safe and healthy environment.

The major public health challenges of the present day require sophisticated trace level analyses in order to assess the significance of lifetime exposure to a large number of toxic chemicals. This responsibility can only be accomplished with modern automated instrumentation which has detection capabilities in the part per million and part per billion range. The current investment in instrumentation at the State Public Health Laboratory is one million four hundred thousand dollars. Expected instrument life is seven years. Thus, continuity of capital equipment funding is essential to maintaining adequate analytical support of air quality, drinking and ambient water quality and hazardous waste issues throughout the state. The establishment of a laboratory

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Attachment A

equipment fee fund would recognize this priority and would insure a stable funding source.

Laboratory fees for monitoring tests performed by the State Laboratory as required under the Safe Drinking Water Act are collected from Kansas utilities and are currently routed to the State General Fund. These fees total about three hundred fifty thousand dollars each year. Placement of one half of these fees into a laboratory equipment fee fund would satisfy most capital equipment requirements of the State Public Health Laboratory and would insure continuity of these services.

The Kansas Department of Health and Environment strongly supports HB 3041.

Statement by
ROBERT D. KLEOPFER
U.S. Environmental Protection Agency
Region VII

Kansas House Bill No. 3041
Committee on Governmental Organization
March 5, 1986

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Attachment B

My name is Robert Kleopfer. I am employed by the United States Environmental Protection Agency as Chief of the Laboratory Branch in Kansas City. I have a Ph.D. degree in chemistry from Purdue University. Since joining the Agency in 1971, I have been involved in providing environmental services ranging from bench chemist to laboratory manager. I have published more than 50 papers in the area of analytical/environmental chemistry.

I was asked by Dr. Roger Carlson who is Director, Office of Laboratories and Research, Kansas State Department of Health and Environment, to testify before this committee regarding House Bill No. 3041. My remarks will be restricted to issues relating to the need to purchase and maintain certain types of analytical equipment. I offer no comments regarding the mechanism for providing funds.

The emphasis in protecting public health has changed dramatically in recent years as we have learned about the impact of toxic chemicals on human health. Chemicals such as dioxin, PCBs, TCE, chloroform, asbestos, and chlordane routinely make the headlines. What is not well-known is that the measurement of these types of toxic chemicals in our environment requires the utilization of extremely sophisticated and costly instrumentation by highly skilled scientists and technicians. In fact, much of the technology used to measure these pollutants has been developed only recently. The Kansas State Department of Health and Environment currently has an inventory of some \$1.4 million in existing laboratory equipment. Maintenance costs alone can be quite significant often accounting for up to 10% per year of the original equipment costs. The service rate on one type of equipment called GC/MS currently runs \$170 per hour. Our own laboratory in Kansas City recently

purchased some new equipment to measure dioxin in the environment at a cost of some \$350,000. Needless to say, protecting the public from undue exposure to toxic chemicals is extremely expensive.

A modern, well run environmental laboratory requires a number of different types of instrumentation including gas chromatographs and mass spectrometers to measure toxic organic chemicals such as PCBs, atomic absorption spectrometers, and inductively completed argon plasma spectrometers to measure toxic metals such as lead and arsenic. These instruments are specified in analytical procedures developed by EPA. Many of these measurement procedures are required by regulation. Unfortunately, less expensive alternatives are not currently available.

My Agency relies heavily on the State Environmental Agencies to carry out our programs, including drinking water protection, groundwater protection, hazardous waste management, and air and water monitoring. Each of these programs depends on the state laboratory to provide accurate and reliable data. The data are often used to make decisions regarding how best to protect the human population from exposure to toxic chemicals. For example, a recent study performed by the Kansas Department of Health and Environment indicated that groundwater contamination by volatile organic chemicals is a serious problem in Kansas. Some of these chemicals have been shown to be cancer causing and have other adverse health effects. These and other similar studies must continue so that EPA, in partnership with the states, can continue to protect public health. Good laboratory management requires the availability of a reliable and continuous funding mechanism to maintain and purchase the needed capital equipment.

SUBCOMMITTEE REPORT

February 28, 1986

TO: House Governmental Organization Committee
FROM: Subcommittee No. 2
RE: Sunset Review of the Department of Health and Environment

The Subcommittee submits the following report pursuant to its sunset review of the Department of Health and Environment:

1. The Subcommittee recommends that H.B. 2700 be recommended favorably. The bill would continue the Office of Secretary and the Department of Health and Environment until July 1, 1994 under provisions of the Kansas Sunset Law.
2. The Subcommittee reviewed procedures connected with laboratory analyses presently performed by Health and Environment in connection with deaths that are unattended by a health care provider. The Subcommittee is aware that unattended deaths are no longer likely to be public health issues and that some of these deaths could involve criminal activity which falls within the type of analyses performed by the Kansas Bureau of Investigation's (KBI) forensic laboratory. However, after meeting with officials of the Department and the KBI, the Subcommittee does not believe that the number of forensic deaths dealt with by Health and Environment warrants a change in the present system nor does it believe that the present system is unsatisfactory. Therefore, the Subcommittee recommends no change.
3. The Subcommittee recommends that all analyses presently performed by the Department in connection with driving under the influence of alcohol be done by the KBI. (The certification function relating to the equipment used by local units should remain with Health and Environment.) Presently, both the Department and the KBI perform analyses relating to alcohol. The Subcommittee, while recognizing that health care issues are often involved in drinking, believes that the analyses being done by the Department (primarily blood alcohol testing and the analysis of fluids found in open containers) occur in connection with a criminal investigation and more appropriately fall within the jurisdiction of the KBI. The Subcommittee notes that the Bureau presently is responsible for drug analysis and thinks there may be some benefit in combining the two functions within a single agency.

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Attachment C

4. The Subcommittee recommends the introduction of legislation to create a laboratory services equipment fee fund into which would be deposited 50 percent of the fees presently collected for water analysis. Expenditures from the fund would be used subject to appropriation by the Legislature and would be used for the purchase of laboratory equipment. It is the Subcommittee's opinion that the Department's laboratory serves a statewide function and that a dedicated fund for equipment purchases is needed.
5. The Subcommittee supports 1985 S.B. 342 which, as recommended by the House Governmental Organization Committee and the House Committee of the Whole during the 1985 Session, would abolish the Advisory Committee on Food Service and Lodging Standards, an advisory committee to the Secretary of the Department of Health and Environment. (The bill, greatly amended, is presently in conference committee.) The Subcommittee recommends that the Advisory Committee on Food Service and Lodging Standards be abolished and supports the House version of 1985 S.B. 342.
6. At the request of Secretary Barbara Sabol, the Subcommittee considered a concern involving coordinators at the Department's six district offices. The Secretary has designated one person at each office who, on a voluntary basis, has agreed to perform certain additional duties such as noting attendance of other staff, ordering supplies, and being the general contact person for the district office. These duties are not part of that person's job classification and are performed voluntarily for no additional pay. Secretary Sabol asked the Subcommittee to determine whether additional pay could be given these district coordinators.

The Subcommittee has been informed by staff in the Division of Personnel Services that, because the state pay plan is linked to the personnel classification system, employees cannot be paid for duties that are not a part of their official job classification. Apparently, the problem is not exclusive to the Health and Environment offices. The Subcommittee understands that the "team leader" concept is used by some of the state hospitals where one employee assumes a role that is not actually supervisory but is, in fact, beyond the duties described in that person's job description. In order to address the concern raised by Secretary Sabol, it would be necessary to make changes in the state personnel system that would affect all state employees in similar situations. The Subcommittee has been told that such changes have been considered by the Division of Personnel Services in the past and that there would be a fiscal impact if the changes were made.

The Subcommittee recommends that the Chairman of the House Governmental Organization Committee send a letter to the six district coordinators to inform them that the Subcommittee considered their situation and concluded that a solution to their problem will involve a change in the state personnel classifica-

tion system which would affect all state agencies. It is the Subcommittee's opinion that the Legislature would be willing to consider any changes proposed by the Division of Personnel Services.

7. The Subcommittee expresses its concern about the adequacy of the present health care delivery system, particularly local health departments and health services in rural areas. Time did not permit the Subcommittee to consider other ways of delivering these services, such as the development of regional delivery systems or formal cooperative arrangements.

Therefore, the Subcommittee recommends that the Chairman of the House Governmental Organization Committee send a letter to the Chairperson of the Commission on a Public Agenda for Kansas asking that the Commission consider the issue of local health care delivery systems as a part of its study. The Subcommittee believes this topic bears a direct relation to the Commission's charge to identify "public issues critical to the future of Kansas and policy choices available to Kansas in responding to those issues." Furthermore, the Subcommittee recommends that the Chairman ask that the Commission respond within 30 days of receiving the letter as to whether it intends to include rural health care delivery systems in its study.

8. The Subcommittee recommends that legislation be introduced to place the Mined-Land Conservation and Reclamation Board and the office of the Executive Director under the provisions of the Kansas Sunset Law and to abolish the Board and the office on July 1, 1987. The Subcommittee believes the Legislature should review both the function performed by the Board and the present relationship between the Board and other state agencies in order to determine whether the present arrangement is satisfactory. Such a review was beyond the scope of the Subcommittee's present charge and most appropriately should be conducted as part of a separate sunset review.
9. The Subcommittee briefly considered the question of whether some or all of the state's health care regulatory boards should be consolidated into a single agency or consolidated under an existing agency. Because of a lack of time, the Subcommittee did not pursue the topic, but it notes that the consolidation of regulatory boards is a worthwhile issue that should be studied further.
10. The Subcommittee reviewed of Joint Oil and Gas Regulatory Program established in 1982 under the jurisdiction of the Department of Health and Environment and the Kansas Corporation Commission. The Subcommittee calls attention to the fact that the Joint Program is still relatively new and that it has been operating under a single director only since February, 1985. In the Subcommittee's opinion, the Joint Program is working successfully and has shown continued improvement since its

inception. The Subcommittee believes that both Health and Environment and the Corporation Commission have a role in environmental and water protection issues related to oil and gas production. Therefore, the Subcommittee supports the concept of a single program jointly administered by the two agencies and recommends that no changes be made.

11. The Subcommittee recommends that the Secretary be asked to report to the Committee later during the 1986 Session concerning the method by which local retailers are selected to participate in the Women, Infants, and Children (WIC) program. Specifically, the Subcommittee would like to assure itself that the local organizations designated by the Department to administer the program (primarily health departments) make every effort to ensure that retailers selected for the program are located in areas that are accessible to the greatest number of WIC program participants.
12. The Subcommittee favors a direct reporting system whereby vital records are sent to the Office of Vital Statistics in the Department of Health and Environment instead of being reported through local registrars. Therefore, the Subcommittee recommends that the Committee hold hearings later during the 1986 Session on the need to retain local registrars. In the meantime, the Subcommittee recommends that the Secretary exercise her option to reduce the number of local registrars to a maximum of one per county. (There are presently 143 local registrars.)
13. In response to a concern about minority hiring practices, the Subcommittee received information from the Department concerning its recruitment and hiring of persons in "protected classes" (i.e., racial and ethnic minorities, women, and the handicapped). The Subcommittee wishes to note in its report that slightly more than 7 percent of the Department's current employees are black, Hispanic, Asian, or American Indian. In FY 1982, 77.3 percent of the persons interviewed were in a protected class, compared to 76.7 percent in FY 1985. Of all persons interviewed in FY 1982, 8 percent were minorities, compared to 15 percent in FY 1985. Of all persons hired in FY 1982, 9 percent were minorities, compared to 14 percent in FY 1985.
14. The Subcommittee is concerned about the federal Environmental Protection Agency (EPA) turning over air monitoring and regulatory functions to the states. Therefore, it recommends that the Secretary be asked to report to the Committee during the 1987 Session about how the Department of Health and Environment is coordinating with EPA and other state agencies and local units concerning changes in the EPA's role.

15. The Subcommittee has received testimony from Right to Life of Kansas, Inc., expressing concerns about several issues involving the Department of Health and Environment. The Subcommittee has asked the Secretary to review the testimony, prepare a response to each item, and report back to the Subcommittee.
16. The Subcommittee recommends that the House Committee on Federal and State Affairs be asked to introduce a bill repealing statutes requiring physicians and medical care facilities to report to the Secretary symptoms, diagnosis, and treatment of veterans exposed to chemicals while serving in Vietnam, Cambodia, or Laos during the Vietnam conflict. According to the Secretary, this information presently is collected by the Veterans Administration. The bill recommended by the Subcommittee also would delete the requirement that the Secretary make annual reports to the Legislature and to veterans' groups concerning current research findings and statistical information about veterans' exposure to chemicals.
17. The Subcommittee reviewed the state's Emergency Preparedness Network and received testimony from state agencies that participate in the state's response to emergencies that could affect the environment. The Subcommittee learned that these agencies maintain or have access to a variety of data bases and sources of information.

The Subcommittee is concerned about the existence of adequate lines of communications between agencies at the state and local levels, including those local units most likely be the first responders in emergency situations. The Subcommittee questions whether all participants in the network are aware of and have access to the information presently being collected.

It is the Subcommittee's recommendation that the Chairman of the House Governmental Organization Committee write a letter to the Chairman of the Legislative Coordinating Council requesting an interim study of the Emergency Preparedness Network. The Subcommittee recommends that the study address the following issues:

1. the adequacy of the existing data reporting system and the necessity of the collected data in the state's response to emergencies affecting the environment;
2. possible modification or other consolidation of current data reporting systems and the effects on businesses, industries, and others required to report data to the systems;
3. existing linkages between agencies that allow state and local units to use information and services available from each other; and


4. the feasibility of the development of a central state repository or data base for use by state and local agencies in response to environmental accidents or emergencies.
18. The Subcommittee recommends that copies of this report be given to the House and Senate Committees on Energy and Natural Resources and the Ways and Means Subcommittees considering the budget of the Department of Health and Environment.



Representative Nancy Brown
Subcommittee Chairman



Representative Ginger Barr



Representative Rick Bowden



Representative Stephen R. Cloud



Representative Clarence Love

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