

Approved Gary Blumenthal
Date

MAR 17 1992

MINUTES OF THE House COMMITTEE ON Governmental Organization

The meeting was called to order by Representative Blumenthal at
Chairperson

9:05 a.m./~~pm~~ on March 4, 1992 in room 522-S of the Capitol.

All members were present except:

All Present

Committee staff present:

- Carolyn Rampey, Legislative Research Department
- Julian Efirid, Legislative Research Department
- Avis Swartzman, Revisor of Statutes
- Nita Shively, Committee Secretary

Conferees appearing before the committee:

- Dr. Ralph Bartley, Superintendent, School for Visually Handicapped
- Representative Dick Edlund
- Jim Coder, Assistant Attorney General, State Fire Marshall's office
- James A. Todd, State Firefighters Association
- Bob McDerald, Administrator, Emergency Medical Services
- Frank Moussa, Dept. of Emergency Preparedness
- Don Bruner, Director of Division of Labor Management Relations & Employment Standards
- Glenn Smith, Chief of Pipeline Safety, KCC
- Steve Paige, Director, Bureau of Environmental Health Services, H&E
- Larry Couchman, Riley County Emergency Medical Services
- Representative Ed McKechnie
- Linda McGill, Pete McGill Associates
- Burt Cantwell, Kansas Highway Patrol
- Jack Pearson, Kansas Association Chiefs of Police
- Helen Stephens, Kansas Peace Officers Association
- General James F. Rueger, Adjutant General's Department
- Sheriff, J. Dean Ochs, President, Kansas Sheriff Association
- Larry Couchman, Director Riley County EMS
- Dr. Robert Harder, Chairman, Employees Health Commission

Chairman Blumenthal called meeting to order when quorum was present.

Chair re-opened hearing on HB 3103, recognizing Dr. Robert Harder, who was unable to testify on March 2nd.

Dr. Harder briefly stated his preference for a 3-member commission. It is his opinion that 5 members are harder to work with--rather unwieldy. The present 3-member commission is easier to chair.

Hearing on HB 3136 - An act concerning the state school for the visually handicapped; changing the name thereof to the state school for the blind.

Dr. Ralph Bartley spoke briefly in support of HB 3136. He advised that the proposed change would have no fiscal impact--they never took the original sign down. Furthermore, the advisory board at the school concurs with changing back to the original name. It also follows federal guidelines, removing the word "handicapped."

Representative Dick Edlund, sponsor of the bill, testified and furnished written testimony in support of HB 3136, (Attachment 1). In his remarks Representative Edlund noted that the name change would eliminate the risks of challenges to the deeds. The original deeds, transferring the land from the Wyandotte Indians to the city of Wyandotte, specifically uses the word blind. Another point made by Representative Edlund is that the majority of blind people, including himself, do not feel they are handicapped, only inconvenienced.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Governmental Organization,
room 522-S, Statehouse, at 9:05 a.m./~~p.m.~~ on March 4, 1992

Hearing closed on HB 3136.

Motion by Representative Bowden to report HB 3136 favorable, motion seconded by Representative Hackler, motion carried.

HB 3138 - An act establishing a department of public safety.

Representative Ed McKechnie testified in support of HB 3138, furnishing written testimony including an organizational chart, (Attachment 2). The creation of the office of public safety would require 12 months of preparation. New rules and regulations would be required. A fiscal note is being prepared. The second step would be combining 7 agencies under the Secretary of Safety.

Representative McKechnie feels that the result of this legislation would be improved law enforcement, improved communication, cost savings from merger of payrolls, purchasing, personnel, planning and research departments and improved emergency response.

Linda McGill testified for Jeff Collier, President of the Kansas State Troopers Association, as a proponent of HB 3138, furnishing written testimony, (Attachment 3).

Mrs. McGill reiterated the benefits of this bill, as listed in Representative McKechnie's report. However, she indicated there are several areas of concern also. The omission of the Wildlife and Parks Enforcement officers should be corrected. In addition, the cost savings of leaving existing agency administrative personnel in place was questioned, along with the provision for consolidation of Law Enforcement and Highway Patrol Training.

Mrs. McGill ended her testimony by urging further study and modifications in HB 3138.

Colonel Burt Cantwell spoke briefly regarding HB 3138. He feels additional study is necessary, stating that the Highway Patrol has several concerns. He was reluctant to go on record as endorsing HB 3138.

Jim Coder testified as an opponent of HB 3138, furnishing written testimony, (Attachment 4). Mr. Coder strongly objected to HB 3138 arguing that public safety would suffer. He feels that law enforcement would take precedence over fire problems. Since only a small portion of the Fire Marshall's Department has law enforcement powers, (arson division) it is not appropriate for law enforcement, Fire Marshall's Department and Emergency Medical Services to be merged.

Chair recognized Jack Pearson, who appeared as an opponent of HB 3138, furnishing written testimony, (Attachment 5). Mr. Pearson suggested that a more in-depth study be conducted before any action is taken. Concerns were expressed regarding the concentration of so much authority on one individual. Another potential problem would be combining Law Enforcement Training. The possibility of confusion and bureaucracy was also noted.

Bob McDaneld testified as an opponent of HB 3138, furnishing written testimony, (Attachment 6). He advised that the Emergency Medical Service Board, created by the Legislature in 1988, has demonstrated efficiency and effectiveness. This has been accomplished with with a reduction in funding of almost \$100,000 and the loss of 2 positions. Mr. McDaneld agreed with earlier testimony that a public service agency should not be consolidated with a public safety agency.

Chair recognized Major General James Reuger, who spoke as an opponent of HB 3138, furnishing written testimony, (Attachment 7). General Reuger specified numerous reasons for opposing HB 3138. In the event of a dis-

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Governmental Organization,
room 522-S Statehouse, at 9:05 a.m.~~pm~~ on March 4, 1992

aster, it could impede direct communication with the Governor. Another item mentioned is that only 3% of their 150 million budget is from the state. He asked that the Adjutant General's Department be removed from the bill because it breaks the chain of command; during mobilization of the Guard to federal status it is no longer under state control and finally, if total mobilization should occur, a State Guard is normally formed and might suggest that it would be feasible to also be included under this proposed bill.

Helen Stephens testified as an opponent of HB 3138 on behalf of the Kansas Peace Officers Association. They recommend further study of all the ramifications of the bill. In addition, they question why changes are needed when there are no specific problems. Finally, they oppose the inclusion of the Kansas Law Enforcement Center.

Sheriff J. Dean Ochs testified as an opponent of HB 3138, furnishing written testimony, (Attachment 8). The Kansas Sheriffs Association would like to have numerous concerns addressed before endorsing this bill. Some areas mentioned were cutting services, combining Law Enforcement Training Centers and the possibility of the accusation of being a police state.

Jim Todd testified in opposition to HB 3138, furnishing written testimony, (Attachment 9). Mr. Todd indicated that his testimony echoed preceding conferees. He just wanted to reiterate that combining firefighting and law enforcement agencies would be a terrible mistake.

Hearing closed on HB 3138.

Hearing on HB 3137 - An act establishing the Kansas commission of fire, emergency response and safety.

Jim Coder testified as a proponent of HB 3137, furnishing written testimony, (Attachment 10). Mr. Coder advised that the consolidation of agencies, as provided in this bill, would provide better emergency services and might also save money. HB 3137 places all agencies dealing with fire, explosions and emergency response under one unit. It also establishes a fund to assist local departments through grants or loans and would establish advisory boards dealing with certain regulated areas.

Chair recognized Jim Todd, who appeared as a proponent of HB 3137, furnishing written testimony, (Attachment 11). Although endorsing this bill, the State Firefighters Association also requested 2 changes. The first would be to change lines 10 and 11 on page 2--State Fire Marshall appointed by Governor. The second is to eliminate Section 6, leaving the industrial safety services program in the Department of Human Resources.

Frank Moussa spoke as an opponent of HB 3137, furnishing written testimony, (Attachment 12). He advised that HB 3137 conflicts with public law mandating the Governor of each state appoint a state Energy Response Commission (SERC). One of the responsibilities of this Commission is to establish procedure for receiving and processing requests from the public for information. There is no provision in the bill for this requirement.

In addition, the Emergency Planning and Community Right-to-Know is not only for the benefit of firefighters.

Chair requested that the 5 remaining opponents of HB 3137 come to the podium as a group. In the interest of saving time, and since all provided written testimony, they were requested to only make pertinent

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Governmental Organization,
room 522-S, Statehouse, at 9:05 a.m./~~p.m.~~_{XX} on March 4, 1992

points not mentioned previously. The following conferees testified: Bob McDenald, (Attachment 13), Don Bruner, (Attachment 14), Stephen Paige, (Attachment 15), Larry Couchman, (Attachment 16), Glenn Smith (Attachment 17). Each conferee made a few brief remarks urging the committee to reject HB 3137.

Hearing closed on HB 3137.

Action on SB 554 - Motion by Representative McClure to report SB 554 favorable, motion seconded by Representative Lawrence, no discussion, motion passed. Representative Brown recorded as voting NO.

Meeting adjourned at 10:55 a.m.

STATE OF KANSAS

RICHARD J. EDLUND
REPRESENTATIVE, 33RD DISTRICT
WYANDOTTE COUNTY
7061 RIVERVIEW ST.
KANSAS CITY, KANSAS 66112
(913) 299-3201 HOME
(913) 296-7648 CAPITOL OFFICE



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: ECONOMIC DEVELOPMENT
FEDERAL AND STATE AFFAIRS
LABOR AND INDUSTRY

March 3, 1992

Gary Blumenthal, Chairman
Governmental Organization
State Capitol
Topeka, Kansas 66612

Dear Chairman Blumenthal:

I support HB 3136, which would delete the words "visually handi-
capped" and restore the word "blind."

This is an extremely important change for the following reasons. First, the original deeds that transferred the land from the Wyandotte Indians to the City of Wyandotte to the State of Kansas, specifically use the word blind. Restoration of the word blind should decrease the risks of challenges to the deeds.

Secondly, most blind persons do not consider themselves handi-
capped. As a blind person, I reduce my blindness to an inconven-
ience, and I do not consider myself handicapped.

And finally, this change would parallel the action taken by the U.S. Congress who recently removed the word handicap from the "Education of the Handicapped Act" and changed the title of that federal legislation to "Individuals with Disabilities Education Act" (IDEA).

Thank you for your consideration of HB 3136, and I hope that you will vote affirmatively on this matter.

Sincerely,

Richard J. Edlund
State Representative
District 33

RJE:gl

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attachment 1



TOPEKA

HOUSE OF
REPRESENTATIVES

ED McKECHNIE

REPRESENTATIVE, THIRD DISTRICT

224 W. JEFFERSON

PITTSBURG, KANSAS 66762

(316) 231-1669

COMMITTEE ASSIGNMENTS

VICE CHAIRMAN: COMPUTERS, COMMUNICATION
AND TECHNOLOGYMEMBER: CLAIMS AGAINST THE STATE
ELECTIONS
ENERGY AND NATURAL RESOURCES
LEGISLATIVE POST AUDIT
TRANSPORTATION

HB 3138

March 3, 1992

TESTIMONY BEFORE THE
HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

by

ED McKECHNIE

State Representative

Thank you Chairman Blumenthal and committee members for having this hearing on House Bill 3138, an act establishing a Department of Public Safety.

The bill proposes a two step process in merging these various agencies. The first step is the creation of an office of the Secretary of Public Safety on July 1, 1992. This office would be charged with promulgating rules and regulations over the next 12 months in preparation for the merger. This office would probably require 4 or 5 full time employee's in the first year including budget and clerical staff.

This new secretary could then pull from the vast knowledge of expertise in the Division of the Budget and from each budget officer in each of the various agencies to rewrite the rules and regulations and the budget documents needed for a new department. It would be my expectation the Governor and State Director of The Budget would insist whatever costs were incurred in a central

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attachment 2*

office would be offset by reductions from the merger. A fiscal note on H.B. 3138 is being worked on, but has not been completed at this time.

The second step would go into effect on July 1, 1993, when the seven agencies: the Highway Patrol; the Bureau of Investigation; the State Fire Marshall; the Alcohol Beverage Control Board; the Emergency Medical Service; the Adjutant General; and the Law Enforcement Training Center would come under the single civilian command of a Secretary of Public Safety.

In drafting the bill, I researched a number of Department of Public Safety models from across the country. Each model is a little different as each were creations from existing departments. Each model reflects the historical background of that state as would the result of House Bill 3138.

While there would be some shifting of responsibility and some change in the lines of authority and communications, the basic integrity of the seven agencies would be left intact - an effort to avoid the turf wars - and allow for the improved enforcement of Kansas law.

The result of House Bill 3138 will be improved communication within the various law enforcement agencies, cost savings from the merger of the payroll, purchasing, personnel, planning and research departments and improved emergency response.

A couple of interesting points were raised in the creation of this bill that this committee should be made aware of.

The first, why should the Adjutant General's office, which is military, be brought into a Department of Public Safety? My

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attachment 2-2

response is this merely follows the Department of Defense model at the federal level of having a civilian in charge of the agency. In addition, the office of emergency preparedness is an integral part of alerting and assisting in state-wide communications in times of emergencies.

The second is a concern that the enforcement officers from the Department of Wildlife and Parks have not been included in this merger. They were left out of the bill, but it would follow that agencies which have the authority to enforce laws state-wide should be in the state-wide law enforcement department. I have no objection to their addition.

Mr. Chairman, this bill does cover a lot of ground and that is the reason for the one year phase in period. There does need to be negotiation between agencies and the various constituencies they serve.

I do not want to create a Kansas State Police Department. Our Sheriff's and police chiefs are our first line of enforcement and do an excellent job. What they do need is a unified voice of support from the state.

Thank you for your time and I would truly appreciate your support of House Bill 3138.

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attachment 2-3



TOPEKA

HOUSE OF
REPRESENTATIVES

ED McKECHNIE
REPRESENTATIVE, THIRD DISTRICT
224 W. JEFFERSON
PITTSBURG, KANSAS 66762
(316) 231-1669
STATE HOUSE
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COMMITTEE ASSIGNMENTS
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AGAINST THE STATE
MEMBER: COMPUTERS, COMMUNICATION
AND TECHNOLOGY
ELECTIONS
ENERGY AND NATURAL RESOURCES
KANSAS PUBLIC BROADCASTING
COMMISSION
LEGISLATIVE POST AUDIT
TRANSPORTATION

February 24, 1992

To: House Committee on Governmental Organization
From: Rep. Ed McKechnie
Re: Bill Introduction

- The Department of Public Safety
- (a) Office of the Secretary
 - (b) Division of Investigation
 - (c) Division of Patrol
 - (d) Division of Law Enforcement Training
 - (e) Division of Enforcement
 - (f) Division of Emergency Medical Services
 - (g) Adjutant General
 - (1) Division of Military
 - (2) Division of Preparedness

Law will go into effect on July 1, 1992 creating the Office of the Secretary of Public Safety. Law will go into effect on July 1, 1993 transferring the authority of the following seven agencies under the Department of Public Safety: Adjutant General, Alcohol Beverage Control, Bureau of Investigation, Emergency Medical Services, Fire Marshall, Highway Patrol and the Law Enforcement Training Center.

Office of the Secretary

The Office of the Secretary shall coordinate all activities of the Department of Public Safety. The office shall be responsible for all personnel, research, planning, payroll, purchasing, communication between the divisions and other agencies in state government and coordination of the effective enforcement of Kansas Laws. The Governor shall appoint a Secretary who shall then have one year to promulgate the necessary rules and regulations and create the necessary budget documents needed in order to re-organize the various state agencies in the Department of Public Safety.

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Attachment 2-4

House Governmental Organization

Page 2

February 24, 1992

Budget worked for the 1993 Legislative Session will be for a Department of Public Safety.

The Secretary shall be required to exact savings in administration from the seven agencies from FY 93 budget versus FY 94 budget to pay for the cost of the Office of the Secretary.

Legislative Intent

Should include but not be limited to administrative cost savings replacing duplicative administration with additional public safety officers in the public view and a renewed emphasis of support to local law enforcement agencies across the state.

Division of Investigation

The Division of Investigation will include the current Bureau of Investigation and the State Fire Marshall's Office.

Division of Patrol

The Division of Patrol will include the current Highway Patrol, less the Highway Patrol Academy in Salina.

Division of Law Enforcement Training

The Division of Law Enforcement Training will include the current Law Enforcement Training Center and the Highway Patrol Academy.

Division of Enforcement

The Division of Enforcement would include the Alcohol Beverage Control Board. After the first reorganization of the Department, other agencies with enforcement responsibilities could be placed in this Division for additional savings.

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Attachment 2-5

House Governmental Organization

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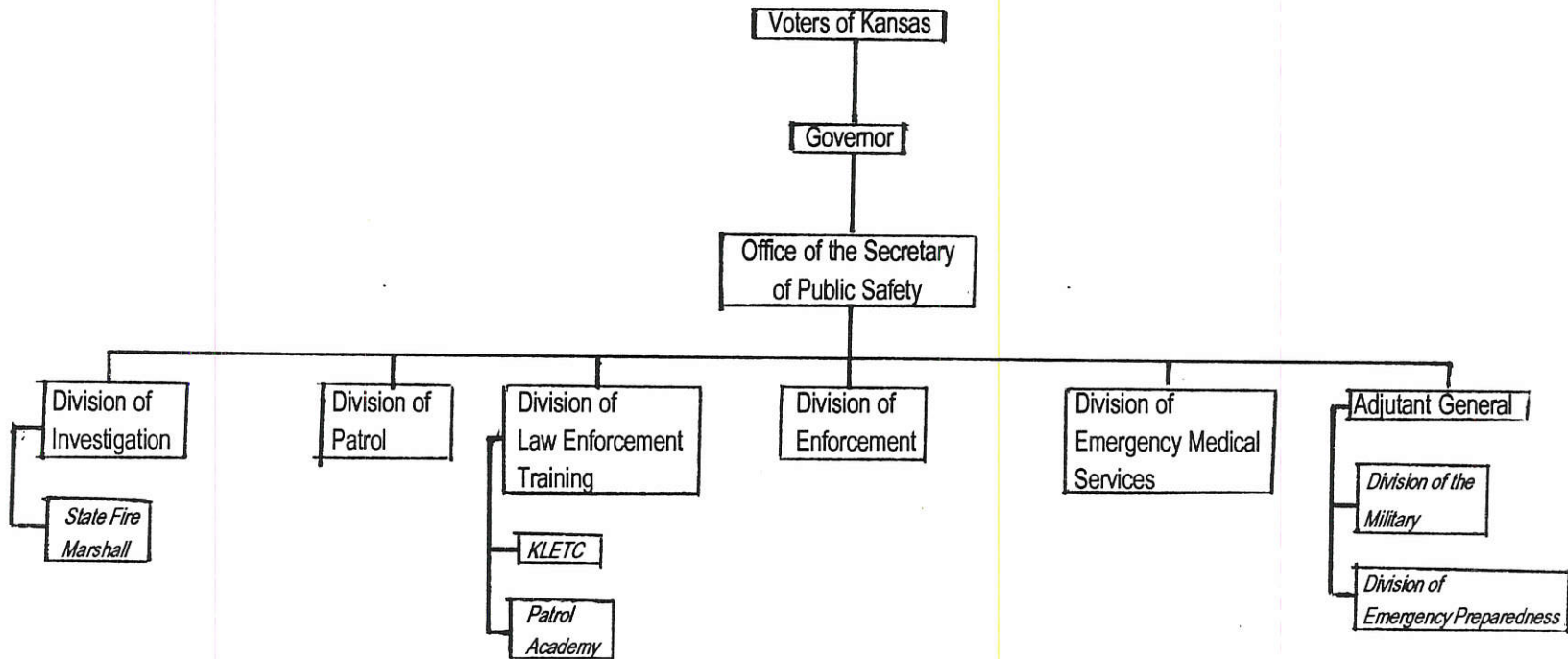
Division of Emergency Medical Services

The Division of Emergency Medical Services would include the current Emergency Medical Services Office.

Adjutant General

The Adjutant General's office would include the current organization of the General's office, but it would place the Department under civilian control following the Federal Department of Defense Model. In addition the State Communication Network and the Emergency Alerting and Notification System would be more readily accessible and follow "cleaner" lines of authority to all agencies in public safety.

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attachment 2-6



DPS
 Organizational Chart
 H.B. 3138

90-3-4-92
 Attachment 2-7

Mr. Chairman and Committee Members:

I am Linda McGill of Pete McGill & Associates. I am here today to present the following testimony regarding House Bill 3138 for Jeff Collier, President of the Kansas State Troopers Association, who could not be here today.

The creation of a Department of Public Safety has many positive attributes that would be beneficial to both the citizens as well as local law enforcement agencies throughout the state. Some of the obvious benefits of the consolidation of state law enforcement agencies would be the centralization of coordination efforts between all enforcement and investigative branches; ceasing the duplication of services between existing agencies; a reduction in budgetary strain created by the centralization of administrative services; and ease of accessibility to local law enforcement agencies of the needed assistance or services.

In addition, I believe that consolidation of the various enforcement and investigative branches would produce a far better law enforcement entity. Traditionally, agencies are reluctant to share information and cooperate freely with each other. Being acutely aware of the budgetary process, each agency knows that it must "justify" its existence and funding. Therefore, agencies have been unwilling

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attachment 3

to share in their successes, as this is the justification for future financing. A Department of Public Safety would alleviate this problem to a large extent.

Although the Kansas State Troopers Association embraces the concept of a Department of Public Safety, we do not necessarily embrace HB 3138 in its present form. There are several aspects with which we disagree. First is the omission of the Wildlife and Parks enforcement officers. If Kansas is going to consolidate law enforcement, then all law enforcement officers need to be under the same umbrella. We cannot have an entity providing law enforcement, operating independently and outside the Department. Secondly, we question the real cost savings to the state by simply leaving all existing agency administrative personnel in place, and simply creating another step in the administrative hierarchy through the appointment of a Secretary. We are concerned about the provision to the Law Enforcement Training, and how this consolidation will effect the Highway Patrol training facility, and what it will do to training state wide.

The Kansas State Trooper Association is supportive of the Department of Public Safety concept, but urges further study and modification of HB 3138. The ramifications of such an attempt to consolidate the states' law enforcement resources are far reaching, and the process must be done smoothly and with great forethought.

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attachment 3-2*



Kansas State Fire Marshal Department
700 Jackson, Suite 600
Topeka, Kansas 66603-3714
Phone (913) 296-3401
FAX (913) 296-0151

"Serving Kansans Through Fire Safety Education,
Fire Prevention Inspections and Investigation"

TESTIMONY OF JIM CODER
ASSISTANT ATTORNEY GENERAL
STATE FIRE MARSHAL DEPARTMENT
HOUSE BILL 3138
BEFORE HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE
MARCH 4, 1992

The State Fire Marshal strongly opposes House Bill 3138 which creates a department of public safety, swallowing up the State Fire Marshal.

This bill would do nothing to enhance fire safety in the state and in fact the only outcome of this proposal would be to create more bureaucracy and higher costs.

This bill would create another chief, above the State Fire Marshal. No reason has been established to make this change. Additionally, Section 11 (b) (p.6 l.25) has chief deputy fire marshal appointed. We don't have a deputy now nor do we need one. This simply adds more bureaucracy for no purpose.

A second and even more disturbing problem with this bill is the fact that this legislation would eliminate a focus on fire and fire related issues throughout the state. Last year, there were 22,000 fires in Kansas causing a conservative \$88 million loss, 65 deaths and 550 injuries. We are afraid that fire will take a backseat to whatever the "crime of the week" is in a Department of Public Safety.

A third problem is that this isn't a good fit. There is nothing in the Department of Public Safety but law enforcement and the Fire Marshal. Only a portion of the State Fire Marshal Department has law enforcement powers. The Arson investigation division constitutes of 25% of the employees and 27% of the budget. The other employees and the remainder of the budget is for fire safety inspections, fire code enforcement and the fire reporting system. This just doesn't fit in a law enforcement agency.

This bill would do nothing but cost money and create bureaucracy. On behalf of the State Fire Marshal I urge you to reject this proposal.

An Equal Opportunity Employer

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attachment 4



COMMITTEE ON GOVERNMENTAL ORGANIZATION

HB 3138

March 4, 1992

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Sergeant at Arms
Newton

DANIEL SIMPSON
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Maize

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Norton

JOHN SLACK
Region VI
Larned

The Kansas Association of Chiefs of Police is opposed to passage of HB 3138 at this time. The Association does not automatically oppose the concepts represented within this proposed legislation, but does believe that the magnitude of the proposal requires additional time to study its impact more thoroughly.

The Association urges the Committee to avoid passage of this bill and to initiate a study. In particular, KACP is concerned with the following points of this legislation:

- 1) What difficiencies is this reorganization intended to correct and what benefits will be accomplished?
- 2) Given the fact that this reorganization centralizes a substantial amount of law enforcement authority, is it wise to concentrate this authority with one person? Some consideration should be given to establishing a commission or board to oversee the activities of a Department of Public Safety.
- 3) Combining the Kansas Law Enforcement Training Center into a Department of Public Safety can have a serious, negative impact on law enforcement training throughout the State. This program is primarily designed to serve the training needs of county and municipal agencies and is dedicated to that sole purpose. Local law enforcement provides "full service" activities. Agencies at the State level provide professional, but specialized services. This specialization makes it difficult to respond to the training needs of full service organizations.

There is also a real concern that if consolidated, the training function will be thrown into direct competition for limited resources with the other components of a

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larger agency, thus diluting the educational qualities KLETC has established and maintained for many years.

- 4) If consolidated, the Department of Public Safety will have over 1,034 employees, spread throughout the State, with a variety of responsibilities and specialties. It is our belief that this creates a serious potential for an uncontrolled bureaucracy that would not meet the needs of Kansas law enforcement.

As stated previously, the concept of consolidation may be a valid one, but it deserves careful deliberation before being acted upon. KACP requests that the Committee defer action to allow time for a comprehensive study. The members of the Kansas Association of Chiefs of Police would be happy to assist in this endeavor.

90.3-4-92
attachee 5-2



State of Kansas

BOARD OF EMERGENCY MEDICAL SERVICES

109 S.W. 6TH STREET, TOPEKA, KS 66603-3805

(913) 296-7296 Administration
(913) 296-7403 Education & Training
(913) 296-7299 Examination & Certification
(913) 296-7408 Planning & Regulation

Bob McDanel
Administrator

Joan Finney
Governor

DATE: March 4, 1992

TO: Rep. Gary Blumenthal, Chair
House Committee on Governmental Organization

FROM: Bob McDanel *BM*

SUBJECT: Testimony in Opposition to HB 3137 and 3138

I am Bob McDanel, Administrator of the Emergency Medical Services Board, one of the agencies which would be consolidated with other state agencies if either HB 3137 or 3138 were to become law. With me this morning is Tom Little, one of the members of the board. Mr. Little is the owner of Medevac Mid-America, which provides ambulance service to Shawnee County.

In 1987, an interim legislative committee spent several weeks pondering the future of Kansas emergency medical services. The end result of those weeks of discussion and deliberation was the creation of the Emergency Medical Services Board in April, 1988.

For the past four years, the wisdom of the Legislature in creating this independent board has been demonstrated by the efficiency and effectiveness of the agency. Under the leadership of a 13-member board appointed by the governor and legislative leadership, the staff provides a number of programs which regulate, and provide technical assistance to, pre-hospital emergency medical services.

Included in program activities are the regulation of more than 200 ambulance services, the approval and monitoring of all initial training and continuing education programs for ambulance attendants, the examination and certification of 2000 students, the annual certification renewal of more than 6000 attendants, the provision of technical assistance to governmental units and the management of an emergency medical communications system which covers 51 counties. The board also provides support to four regional emergency medical services councils.

These activities are carried out with a total budget of less than \$800,000 and a staff of 13, a reduction of almost \$100,000 in funding and a loss of two positions over the past four years. The agency has been able to manage the demand for increased program activity through computerization, position reallocations and improved efficiency.

(Continued on back.)

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Although the Emergency Medical Services Board is considered a public safety agency for budget purposes, it is primarily a public health agency. The board believes it would be a mistake to consolidate this agency with other agencies which have only a public safety focus.

Four years ago, the Legislature created a new independent state board to meet the needs of Kansas citizens and their emergency medical services. This board has met or exceeded both the expectations of the Legislature and the citizens of Kansas. The board strongly recommends that no legislation be passed which would modify the current structure and roles of the Emergency Medical Services Board.

Mr. Little and I would be happy to respond to questions.

RM/st

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attachment 6-2

THE ADJUTANT GENERAL'S DEPARTMENT

Presentation To
Kansas House Of Representatives
Committee On Governmental Organization

House Bill Number 3138

Mr Chairperson and members of the committee. I am Major General James F. Rueger, The Adjutant General, and I am appearing before you today in opposition of HB No. 3138.

1. By Kansas statute, The Adjutant General is the Chief of Staff of the Kansas Army and Air National Guard. Further he is the chief administrative officer of the Division of Emergency Preparedness located within The Adjutant General's department. The Governor is the Commander in Chief of the State Militia encompassing the Kansas Army and Air National Guard and the Division of Emergency Preparedness.

2. Most of the agencies mentioned in this bill are enforcement agencies. The Adjutant General's Department is not an enforcement agency. First we respond to protect people and property in the event of a state of emergency declared by the Governor due to of civil disturbance, man-made or natural disaster. Notification and declaration of a disaster is time essential and in the case of a nuclear incident, must be accomplished within 15 minutes. The direct line of communication with the Office of the Governor must not be impeded by adding another level in the chain of command. Secondly we train our National Guard soldiers to become part of their active component counterpart when called by the President. In doing so we process over 150 million dollars annually from the federal government in the form of equipment and contracts.

In closing, I have given reasons why The Adjutant General's Department is opposed to this bill. This proposed bill does not address these issues and if the committee decides to pass this bill, we recommend The Adjutant General's Department be taken out of it's provisions for the following reasons:

1. It breaks the chain of command.
2. During mobilization of the guard to a federal status, we no longer come under state control.
3. If total mobilization did occur, a State Guard is normally formed and would suggest it might be feasible to be included under this proposed bill.

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attachment 7



Kansas Sheriffs Association

P.O. Box 1853
Salina, Kansas 67402-1853

913-827-2222

HOUSE BILL No. 3138

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Trego County

First Vice President
Sheriff D. Lynn Fields
Crawford County

Second Vice President
Sheriff Loren W. Youngers
Morton County

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Wilson County

TO: Committee Members

The Sheriff's Association is unsure if we support this bill. We have some concerns that must be addressed before we can make our decision.

Who is going to be the so called watch dog over the other departments? Presently the Kansas Bureau of Investigation (KBI) fills that role. By being under the jurisdiction of the Attorney General, they are independent of everyone else.

The idea sounds good on the surface. There are many sheriffs around the state that will tell you consolidation of public safety will not save money. Cutting services is the only way this can be accomplished. That sounds good too but cannot be done either.

Several years ago the state decided that the Kansas Law Enforcement Training Center (KLETC) and the Kansas Highway Patrol Training Center were to be to separate departments. KLETC is in the second phase of construction of new class rooms and a conference room. In this case would they be consolidated? The point is KLETC would not have enough class rooms and our tax dollars would not be spent wisely.

I wonder what kind of opposition you will run into because we will be called a police state. Are we not giving up our checks and balances in present system?

We think there has to be education of what you have in mind. Than we can decide our possession of the bill.

Sheriff J. Dean Ochs
President Kansas Sheriff
Association

g o 3-4-92
attachment 8

Kansas State Fire Fighters' Association, Inc.



ORGANIZED AUGUST 13, 1887

M E M O R A N D U M

DATE: March 4, 1992
TO: House Governmental Organization Committee
FROM: Jim Todd, Kansas State FireFighters Assoc.
RE: Testimony on House Bill 3138

The Kansas State FireFighters' Association opposes placing the Kansas State Fire Marshal in a Department of Public Safety. A Department of Public Safety, dominated by law enforcement personnel, would constructively eliminate the duties carried out by the Fire Marshal.

We are very concerned about the inspections. The law enforcement aspect of the State Fire Marshal's Office is just a small part of its entire responsibilities. About 45% of the budget and half of the employees of the State Fire Marshal are dedicated to fire prevention inspections. These people provide code enforcement. They have no law enforcement powers and would not fit into a Department of Public Safety dominated by law enforcement personnel.

In addition to these misgivings, in states where the Fire Marshal is under a Department of Public Safety there are virtually no arson investigations. Arson investigations are very specialized and take an extensive amount of time. For some reason, arson is not viewed as a major problem and its priority in a Department of Public Safety seems to be very low.

The Kansas State FireFighters' Association urges you to oppose placing the Fire Marshal Department in a Department of Public Safety. The firefighters, as well as the general public, deserve a focal point for fire service issues in the state. An independent Fire Marshal Office is in the best interest of the public and firefighter safety.

g.O. 3-4-92
Attached 9
Dedicated to Safety and Education of the Kansas Fire Fighter



Kansas State Fire Marshal Department
700 Jackson, Suite 600
Topeka, Kansas 66603-3714
Phone (913) 296-3401
FAX (913) 296-0151

*"Serving Kansans Through Fire Safety Education,
Fire Prevention Inspections and Investigation"*

TESTIMONY OF JIM CODER
ASSISTANT ATTORNEY GENERAL
STATE FIRE MARSHAL DEPARTMENT
HOUSE BILL 3137
BEFORE HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE
MARCH 4, 1992

The State Fire Marshal Department strongly supports consolidation of all fire and emergency response oriented state services into one agency.

Safety of Kansas citizens should be a priority for the state government. In the past it is obvious that has been important. The approach, however, seems to patchwork. Many agencies have concurrent jurisdiction, with overlapping duties. There is very little coordination between these agencies on these matters of similar concern. In our opinion coordination of the state's response to human safety issues is vital. This bill takes a giant step toward that coordination.

This coordination would be helpful to the emergency service providers. It would also provide consistency in the approach to emergency responses from both the state and local levels.

Specifically this bill would consolidate the current State Fire Marshal Department, the Emergency Medical Services Board, the Industrial Safety Services Program of the Department of Human Resources, the Kansas Emergency Planning and Community Right-to-Know Programs under the Secretary of Health and Environment and Adjutant General, and the Pipeline Safety section of the Kansas Corporation Commission. The bill would also establish a fund to assist local departments through grants or loans to purchase firefighting equipment and facilities. Finally, the bill would establish some advisory boards to deal with the specifics of the various regulated areas.

There are only two reasons to support any consolidation of agencies or functions: one, to provide better service and/or two, to save money. I cannot stand before you today and state with any certainty that this bill would save any money. There may be some administrative costs that could be reduced (for example, only one personnel officer, etc.) but that is not certain. In our opinion this consolidation would greatly improve the delivery of services. This proposal would place all those agencies which deal with fire, explosions and emergency response under one umbrella organization.

An Equal Opportunity Employer

g.o. 3-4-92
attachment 10

The State Fire Marshal currently has jurisdiction to safeguard life and property from the hazards of fire and explosion. Necessity dictates that the State Fire Marshal have a close and cooperative working relationship with the local fire service. The other services mentioned are all inextricably linked to the fire service.

Emergency Medical Services

The Fire Information System in the State Fire Marshal Office indicates 46% of all calls to the fire departments are first responder and emergency medical services calls.

Industrial Safety

This program consists of two areas, OSHA type inspections and Boiler Inspections. The OSHA type inspections fit hand-in-hand with the fire and life safety inspections carried out by the State Fire Marshal Department. A perfect example of how these inspection programs could mesh would be the Imperial Foods fire in Hamlet, North Carolina. A fire and life safety inspection in that instance may have saved the 25 lives that were lost due to improperly locked exits.

The second aspect of this program is boiler inspection. The purpose of boiler inspections is to keep them from exploding. This type of inspection fits very well with the fire safety inspections currently being done.

Pipeline Safety Division

The pipeline safety division of the Kansas Corporation Commission would also fit well within this umbrella organization. Again, the pipeline safety division's responsibilities are to conduct investigations as to the cause or origin of any accident or fire suspected to have been caused by natural gas. This overlaps significantly with the current duties of the State Fire Marshal.

Emergency Planning and Community Right-to-Know

Hazardous materials are the focus of these programs. Right now, there are a number of agencies with their fingers in the pot. Currently, the Department of Health and Environment and the Adjutant General control part of these programs. If a hazardous material incident occurs, local fire service will be the responding agency. Having all the information is vital for firefighter safety.

g o. 3-4-92
attachment 10-2

Reporting System

Since 1980 the State Fire Marshal Department has had in place a Fire Information Reporting System, the data from which we share with other interested state and local agencies to identify and solve fire related problems.

Currently, local businesses and other entities are having to report the same information regarding emergency response to several different state agencies. As the fire service is typically involved in mitigating these incidents, it would be logical to report to one centralized agency. A consolidation such as this proposal would bring together all these agencies into one report. This would lessen the regulatory load on Kansas business and provide much better, more complete information for the purpose of emergency response.

Equipment Fund

Section 9 of this bill creates a fire service emergency revolving fund, to assist local units of government to provide appropriate equipment for emergency response. This can be in the form of grants or loans. This program would assist those local cash-strapped departments, especially volunteer departments to meet the mandates from the federal and state government as they apply to emergency response. The State Fire Marshal strongly endorses this concept and would like to see it implemented.

There appears to be a lot of overlap between duties of these various agencies. Additionally, information is very fragmented. It seems imperative for emergency response personnel safety, to consolidate that information. The State Fire Marshal fully supports HB 3137 and asks for your support.

Go. 3-4-92
attachment 10-3

Kansas State Firefighters' Association, Inc.



ORGANIZED AUGUST 13, 1887

M E M O R A N D U M

DATE: March 5, 1991
TO: Representative Gary Blumenthal
FROM: Jim Todd ~~_____~~
RE: Changes in HB 3137

The Kansas State Firefighters would recommend making two changes to House Bill 3137.

The first amendment would be on Page 2, lines 10 and 11, to replace appointment of the State Fire Marshal from the Kansas Commission of Fire, Emergency Response and Safety to appointment by the Governor.

The second would be to eliminate entirely Section 6, which would leave the industrial safety services program in the Department of Human Resources.

I thank you for your consideration to these proposed amendments.

cc: Members, House Governmental Organization Committee

HOUSE BILL 3137

I am here today before this committee to present the position of the Kansas Division of Emergency Preparedness of the Adjutant General's Department on the act establishing the Kansas Commission of Fire, Emergency Response, and Safety; prescribing the composition, powers and duties of the commission.

House Bill 3137 proposes to abolish the mission of the State Emergency Response Commission (SERC). This bill would be in direct conflict with Public Law 99-499 which mandates the Governor of each state to appoint a state Emergency Response Commission (SERC). If the Governor of any state does not designate a State Emergency Response Commission, the Governor shall operate as the State Emergency Response Commission. The State Emergency Response Commission shall establish procedures for receiving and processing requests from the public for information under Section 324, including Tier II information under Section 312. House Bill 3137 does not address how this mandated requirement will be established.

The Emergency Planning and Community Right-to-Know (Title III SARA) is not strictly for the benefit of fire fighters. This program is a community wide program dealing with all aspects of chemical production such as storage, air releases, air monitoring, and community wide education awareness. The data collected on the chemicals produced or stored do not necessarily assist in just hazardous material emergency response. This data is analyzed on both long-term toxicological effect and short-term exposure studies. House Bill 3137 implies that the Emergency Planning and Community Right-to-Know Program is strictly a fire fighting emergency response program.

g o . 3-4-92
attachment 12

Currently the State Emergency Response Commission is an advisory body to the Governor, with both the Kansas Division of Emergency Preparedness and the Kansas Department of Health and Environment Act as lead agencies with the implementation of Emergency Planning and Community Right-to-Know law. The SERC is not a supervising commission to the daily operation of both programs. House Bill 3137 proposes the transfer of both operational budgets of Kansas Health and Environment and the Division of Emergency Preparedness under the Kansas Commission of fire, emergency response, and safety (FERS). This will not only hinder the effectiveness of the program, it will certainly delay any administrative actions taken on a routine basis as part of the normal day-to-day operations.

In summary, the agencies will be responsible to the commission which is not necessarily representative of industry, environmental groups, or environmental regulatory agencies.

We conclude that this does not meet the Federal intent of the Emergency Planning and Community Right-to-Know law, in some cases it actually conflicts with the federal law on programmatic intent and legal policy.

g o. 3-4-92
attachment 12-2



State of Kansas

BOARD OF EMERGENCY MEDICAL SERVICES

109 S.W. 6TH STREET, TOPEKA, KS 66603-3805

(913) 296-7296 Administration
(913) 296-7403 Education & Training
(913) 296-7299 Examination & Certification
(913) 296-7408 Planning & Regulation

Bob McDanel
Administrator

Joan Finney
Governor

DATE: March 4, 1992

TO: Rep. Gary Blumenthal, Chair
House Committee on Governmental Organization

FROM: Bob McDanel *BM*

SUBJECT: Testimony in Opposition to HB 3137 and 3138

I am Bob McDanel, Administrator of the Emergency Medical Services Board, one of the agencies which would be consolidated with other state agencies if either HB 3137 or 3138 were to become law. With me this morning is Tom Little, one of the members of the board. Mr. Little is the owner of Medevac Mid-America, which provides ambulance service to Shawnee County.

In 1987, an interim legislative committee spent several weeks pondering the future of Kansas emergency medical services. The end result of those weeks of discussion and deliberation was the creation of the Emergency Medical Services Board in April, 1988.

For the past four years, the wisdom of the Legislature in creating this independent board has been demonstrated by the efficiency and effectiveness of the agency. Under the leadership of a 13-member board appointed by the governor and legislative leadership, the staff provides a number of programs which regulate, and provide technical assistance to, pre-hospital emergency medical services.

Included in program activities are the regulation of more than 200 ambulance services, the approval and monitoring of all initial training and continuing education programs for ambulance attendants, the examination and certification of 2000 students, the annual certification renewal of more than 6000 attendants, the provision of technical assistance to governmental units and the management of an emergency medical communications system which covers 51 counties. The board also provides support to four regional emergency medical services councils.

These activities are carried out with a total budget of less than \$800,000 and a staff of 13, a reduction of almost \$100,000 in funding and a loss of two positions over the past four years. The agency has been able to manage the demand for increased program activity through computerization, position reallocations and improved efficiency.

(Continued on back.)

*g O. 3-4-92
attachment 13*

Although the Emergency Medical Services Board is considered a public safety agency for budget purposes, it is primarily a public health agency. The board believes it would be a mistake to consolidate this agency with other agencies which have only a public safety focus.

Four years ago, the Legislature created a new independent state board to meet the needs of Kansas citizens and their emergency medical services. This board has met or exceeded both the expectations of the Legislature and the citizens of Kansas. The board strongly recommends that no legislation be passed which would modify the current structure and roles of the Emergency Medical Services Board.

Mr. Little and I would be happy to respond to questions.

RM/st

90. 3-4-92
attachment 13-5

March 4, 1992 Testimony before the House Committee on Governmental Organization
by
Don W. Bruner, Director
Division of Labor Management Relations and Employment Standards
Kansas Department of Human Resources

HB 3137 creates a twelve (12) member FERS Commission establishing memberships basically from fire departments, emergency medical service which may be part of a fire unit as a first responder, persons actively involved in hazardous materials handling and small county representatives.

Additionally, the Act includes creation of a fire department emergency board as advisory to FERS. Again membership is based upon association with a fire department.

Section 6 of the Act:

1. Transfers, "All powers, duties and functions of the industrial safety services program of the department of human resources. . .", to the commission.
2. All rules and regulations of the industrial safety services program are deemed duly adopted by the commission.
3. The balance of all funds appropriated are reappropriated for the industrial safety services program of the department of human resources is transferred to the commission to be used for original purpose of appropriation.

I wish to point out to the committee that none of the commission members are required to have any experience or training related to industrial safety and health in the workplace. Yet, the duties of persons specialized in industrial safety and health are varied and differ greatly from fire fighting or enforcement of codes. The closest an industrial safety and health inspector would come to fire codes is when an operation is observed that poses a danger to an employee and the controlling code is the National Fire Protection Act. The commission of fire, emergency response and safety as proposed may well be inappropriate to the enforcement of Industrial Safety and Health standards, rules and laws.

In addition the Department of Human Resources has currently in place an OSHA Consultation Agreement (7(c)(1)) with the U.S. Department of Labor to provide services in the private sector. This contract is funded 90 percent Federal and 10 percent State. It is unclear as to the effect of Section 6 upon that agreement.

90 3-4-92
attachment 14



Department of Health and Environment
Azzie Young, Ph.D., Secretary

Reply to:

Testimony presented to

House Committee on Governmental Organization

by

The Kansas Department of Health and Environment

House Bill 3137

Passage of House Bill 3137 will create the Kansas Commission of Fire, Emergency Response and Safety (FERS). It appears the intent of this bill is to gather together various existing programs from diverse state agencies that have responsibilities in the areas of fire, emergency response, and safety. While we encourage continuous review of state programs to determine the most effective and efficient use of our limited resources, we feel that this proposal is not appropriate. In some aspects the bill contravenes federal statute and further does not recognize the overall duties of agencies proposed for incorporation in the new commission.

An example is the proposed incorporation of the Right-to-Know Program from KDHE and the transfer of authorities under the Kansas Emergency Planning and Community Right-to-Know Act to the new commission. The Right-to-Know Program was established under KSA 65-5701 and Title III of PL 99-499, the federal Emergency Planning and Community Right-to-Know Act. Also established under these statutes was the State Emergency Response Commission (SERC) and delegation of emergency planning and training functions to the Division of Emergency Preparedness within the Department of the Adjutant General. The Right-to-Know Program includes many functions beyond emergency preparedness. In addition to a fee program (collecting almost \$200,000 this fiscal year) the program supports a state wide data collection and management system for information regarding chemicals, chemical facilities and chemical effects. The program provides this information for many end uses including pollution prevention, community right-to-know, support of environmental program compliance and enforcement, the medical community to address individual and population exposure and others.

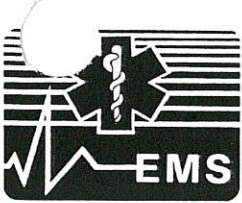
90. 3-4-92
Attachment 15

The State Emergency Response Commission is staffed by the KDHE, Right-to-Know Program. The SERC is established under the authority of both the federal and state statutes. It consists of 17 members, five public, nine department heads, the Governor and Lt. Governor. Its membership reflects the need to coordinate many state agencies with emergency preparedness and response functions. This organizational structure provides an excellent forum for input from local agencies, interest groups and the general public. This bill proposes to transfer the responsibilities of KDHE and the Adjutant General, the implementing agencies under the SERC into a new commission, leaving the SERC with an advisory role. This is inconsistent with the existing federal and state mandate.

In conclusion, the KDHE stands in opposition to House Bill 3137.

Testimony presented by: Name: Stephen Paige
Director, Bureau of Environmental Health Services
Division of Health
March 4, 1992

of 0.3-4-92
attachment 15-2



RILEY COUNTY

EMERGENCY MEDICAL SERVICE
913-539-3535
2011 CLAFLIN ROAD
MANHATTAN, KS 66502

March 4, 1992

TO: Chairman and Honorable Members of the House Governmental Organization Committee

FROM: Larry Couchman, Director Riley County EMS and as an officer with the Kansas Association of EMS Administrators

REF: H.B. 3137, H.B. 3138

On behalf of Riley County EMS, and the Executive Committee of the Kansas Association of EMS Administrators Association, I come before this Committee as an opponent of H.B. 3137 and H.B. 3138.

Kansas EMS has had a long history at the state level with past EMS functions divided between an old Bureau of EMS and the University of Kansas, a relationship with the Kansas Highway Patrol and recently over the last 4 years the current Board of EMS created by KSA 65-6102. The past experiences have shown not to have been the most efficient, thus the legislature created the current board structure which has proven to be the most productive for State EMS and the citizens it serves.

EMS is a field with unique interests and needs trying to stay afloat in a very complex and ever changing health care field. The challenges that face local, regional, and state EMS organizations can be best addressed through a Board that has its primary interest as EMS. The majority of licensed EMS services and the vast majority of patients transported are done so by EMS services that are either based privately, third party governmental or hospital based and not by EMS services that are based through the local fire departments.

EMS and the Fire Service must continue to work together to foster a positive relationship, but each organization should maintain its independence from each other through separate boards. The current system in which the Fire Service has representation on the Board of EMS seems to have met the intent and is working, and maybe EMS should have representation at the state level with the Fire Service.

I encourage this committee to allow H.B. 3137 to die in committee and maintain the current structure governing EMS. I also encourage no action on H.B. 3138 at this time as this is a major restructuring of the different organizations involved which requires much research on its potential impact and possibly should be referred to an interim study.

Thank you for your consideration. Should you require more information, please feel free to contact me.

*g.o. 3-4-92
attachment 16*

Committee on Governmental Organization

March 4, 1992

Testimony of

Glenn Smith
Chief of Pipeline Safety
Kansas Corporation Commission

The Kansas Corporation Commission (KCC) appreciates the opportunity to provide testimony on HB 3137 as it directly impacts the functioning of the KCC. The KCC does not support inclusion of the pipeline safety section of the KCC in the Kansas commission of fire, emergency response and safety (FERS), as proposed in HB 3137.

One of the principal reasons for the existence of state government is the assurance of public safety. Public safety takes many forms. Included under a broad interpretation are such items as police powers, maintaining public health through licensure of persons performing certain acts, and establishing regulations to prevent catastrophic failure of dangerous facilities and operations such as pipelines. This is far from a comprehensive list. It becomes obvious that all entities relating to public safety cannot be included in one agency. The size would be prohibitive.

The question then becomes one of what combinations offer the best chances for efficiency, effectiveness, and minimizes costs by not incurring excessive overhead associated with having additional organizations? The KCC suggests that the inclusion of the pipeline safety function adds little to FERS as there is little commonality between the pipeline safety function and those of the other units included in this modification of the fire marshals office.

Conversely, the pipeline safety function is an integral part of the KCC. The pipeline safety staff provides rate case testimony based on the unit's gas engineering expertise, it provides technical support to KCC accountants in rate and certificate audits, and it joins the KCC conservation division field investigators in joint studies to determine the source of natural gas leaks when it is not clear whether the source is an abandoned gas well or a pipeline. The existing organization has demonstrated that it is both efficient and effective to have the pipeline safety section in the KCC. With the organization proposed in HB 3137 it appears that unnecessary barriers will be established without offsetting gains.

In summary, the KCC proposes that HB 3137 be amended to delete any reference to the pipeline safety section.

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allotment 17-3