

Approved: \_\_\_\_\_

Date

1-27-99

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Rep. Lisa Benlon at 3:30 p.m. on January 20, 1999 in Room 521-S of the Capitol.

All members were present except: Representative John Topliker was absent

Committee staff present: Theresa Kiernan - Revisor, Mary Galligan - Research, Dennis Hodgins - Research, June Constable- Committee Secretary

Conferees appearing before the committee: Proponent Jim Keeting, Kansas State Fire Marshall  
Proponent Natalie G. Haag, Office of the Governor

Others attending: Carol Williams, Executive Director of Governmental Ethics Commission  
Eleven Guests registered to Guest List, attached to these Minutes.

Silent roll was taken by the Secretary of the Committee. Chair Lisa Benlon asked each member to introduce themselves to the rest of the committee. Researcher Mary Galligan gave a presentation on the background on **HB 2012** and passed out copies of the Reports of the Special Committee on Federal and State Affairs to the 1999 Kansas Legislature, with Conclusions and Recommendations of the committee. That report is (Attachment# 1) attached hereto and incorporated into the Minutes by reference.

Chair Lisa Benlon announced that the Hearing was open on **HB 2012., a bill concerning Hazardous Waste and the State Fire Marshall duties.**

Natalie Haag gave Proponent's Testimony to the committee. Written testimony was furnished to the committee and a copy is of that testimony is (Attachment #2) attached hereto and incorporated into the Minutes by reference.

Questions to Natalie Haag were asked by Rep. Palmer, O'Connor, Vining, Horst, and Vice Chair Rep. Powers.

Jim Keeting, Administrator of the Office of the Kansas State Fire Marshall Office, addressed the Committee and furnished copies of testimony. A copy is (Attachment 3) attached to these minutes and incorporated herein by reference. Questions of Jim Keeting were asked by Rep. O'Connor, Huff, and Storm,

The Chair asked for further discussion. There being none, the hearing was closed. **HB 2012** will be taken up at the next meeting on Jan. 25.

Carol Williams, Executive Director of the Governmental Ethics Committee presented the Introduction of Commission Recommendations, Requesting Committee Bills on the subjects. A copy of those requests are (Attachment 4) attached to these Minutes and incorporated herein by reference. Questions were asked by Rep. Johnston, Powers, Storm and O'Connor.

**Representative O'Connor moved that the Committee introduce Bills on behalf of the Commission. Representative Gilbert Seconded the Motion. Motion passed unanimously.**

Representative Larry Campbell requested a committee bill, concerning cosmetologists relating to qualifications for licensure by examination, amending K.S.A Supp. 65-1905, 1998.

**Representative Huff moved that the Committee introduce the above Bill. Rep. O'Connor seconded the motion. Motion passed unanimously.**

Representative Gwen Welshimer requested a committee Bill on Naturepathic treatment.

**Representative Powers moved that the Committee introduce the above bill. Rep. Storm**

**seconded the Motion. Motion passed unanimously.**

**Representative Johnston made a motion, requesting a Bill requiring reporting campaign finances for Municipal candidates within ten (10) days of election day. Representative Storm seconded the Motion. Motion carried.**

Chair Lisa Benlon announced that the Monday January 25, 1999 meeting may be moved to a larger room, either room # 313 or #519 S, because the meeting will be a Joint Meeting with Senate.

Meeting adjourned at 4:58 p.m.

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June Constable, Secretary

House Governmental Organization  
and Elections  
Guest List

DATE

1/29/90

| Your Name       | Representing                                     |
|-----------------|--|
| Bruce Dimmitt   | Kansans For Life                                 |
| FRANK H. MOUSSA | Adjutant General's Dept.                         |
| Chuck Breckell  | Adjutant General's Dept                          |
| MIKE PENNER     | KEMA, JUCO F.C. ASSOC,<br>JUCO E.M., PLATHE E.M. |
| John Thomas     | Emporia Fire Dept                                |
| Gale Haag       | state Fire Marshal                               |
| Jim Woydziak    | Emporia FIRE Dept.                               |
| Tim Lockett     | Highway Patrol                                   |
| DICK CARTER, JR | BARBEE & ASSOCIATES                              |
| Tom Benke       | KAMP   |
| Joe DeLeon      | KAMP   |
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# EXECUTIVE REORGANIZATION OF PUBLIC SAFETY AGENCIES\*

## CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends that a coordinated policy relative to hazardous materials (Hazmat) emergency response programs be developed in Kansas and that legislation be introduced to implement the Governor's Hazmat Response Plan. The Committee also recommends the establishment of a 1-800 number for requesting a response to a Hazmat incident.

## BACKGROUND

Study Topic No. 4, as approved by the Legislative Coordinating Council (LCC), contains the following language:

Public safety agencies—executive reorganization, including Kansas Bureau of Investigation, Highway Patrol, State Fire Marshal, Adjutant General (Emergency Management), and Alcoholic Beverage Control Officers, etc.

This interim study topic was originally requested by the House Appropriations subcommittee which reviewed the public safety agencies. However, the subcommittee request was limited to the issue of hazardous and nuclear incident response programs in the state. The House subcommittee report contained the following passages:

*The House Subcommittee recommends that an interim study be approved to review the issue of hazardous and nuclear incident response programs in the state. The House Subcommittee notes that currently, several state agencies have duties regarding hazardous and nuclear materials, including the Adjutant General, Highway Patrol, Kansas Department of Transportation, State Fire Marshal, and the Department of Health and Environment. In his FY 1999 budget request, the State Fire Marshal asked for 4.0 new FTE positions and \$161,242 to create a new Hazardous Materials Incident Response Program, which would assume total responsibility for hazardous materials incident response coordination in*

*Kansas. The House Subcommittee is also aware that the Adjutant General, in his FY 1999 budget request, asked for 3.0 new FTE positions and \$144,024 for a "Radioactive Waste Transportation Program," related to the disposal of high level radioactive waste and the transportation of spent nuclear fuel through Kansas. As a final example, the FY 1998 budget request of the Highway Patrol sought funding of \$1.1 million and 34.0 new FTE positions to establish a "Coordinated Hazardous Materials Emergency Response Team," which would coordinate the emergency response efforts of the Patrol, the Adjutant General, and the Department of Health and Environment. None of the above requests received approval.*

*It is clear to the House Subcommittee that there is no coordinated policy in Kansas relative to hazardous and nuclear incident response programs. The House Subcommittee feels that one state agency should be designated as the lead agency, which would be responsible for developing a well-trained and well-equipped response capacity in Kansas. The Subcommittee recommends that an interim study be approved to review this issue. The House Subcommittee believes that the Adjutant General's Department is probably best suited to serve as the lead agency in this area and recommends that the interim study consider granting overall coordinating responsibility to the Adjutant General.*

As approved by the Legislative Coordinating Council, the study topic contains the broader language noted above with regard to the executive reorganization of public safety agencies. How-

\* H.B. 2012 was recommended by the Committee.



ever, the Committee decided to narrow the scope of this study topic to include only the issue of hazardous materials (Hazmat) emergency response. The Committee did hear testimony from most of the law enforcement agencies which would be involved in any proposed consolidation.

### **Staff Review of Hazmat Agencies**

Following is a brief description of the public safety agencies with Hazmat emergency response duties included in the Committee's study topic.

**Kansas Highway Patrol.** The primary mission of the Kansas Highway Patrol (KHP) is to enforce traffic and other state laws relating to vehicles, highways, and drivers of vehicles to enhance the safety of travelers driving on state and federal highways in Kansas. Sworn members of the Highway Patrol are vested with full police powers. Highway Patrol personnel provide assistance to other state and local agencies during natural disasters and other public emergencies. The Hazmat emergency response responsibilities of the Patrol include enforcing Kansas Corporation Commission (KCC) regulations relating to highway transportation of materials (K.S.A. 74-2105) and providing security to protect the public.

The Superintendent of the Highway Patrol is appointed by the Governor subject to Senate confirmation. The Superintendent appoints an unclassified assistant superintendent. All other officers, troopers, security officers, and nonsworn civilian personnel are part of the classified Civil Service System.

**Kansas State Fire Marshal.** The Office of the Kansas State Fire Marshal (KSFM) is responsible for protecting the lives and property of citizens from fire and explosion by fostering a fire safe environment through public education, inspection, enforcement, regulation, investigation, and data collection. The Fire Marshal is appointed by the Governor, subject to confirmation by the Senate.

The Hazmat emergency response responsibilities of the KSFM are closely related to the office's

fire safety duties; the Fire Marshal's office also conducts training sessions dealing with various aspects of hazardous materials incident response. The Fire Marshal's office is almost entirely fee funded. Revenue to the State Fire Marshal Fee Fund is derived from fees paid on fire insurance premiums in Kansas.

**Adjutant General.** The Adjutant General's Department has general responsibility for the operation of the Kansas Army and Air National Guard and the emergency preparedness and planning activities of the state. The Adjutant General is appointed by the Governor, subject to Senate confirmation, and serves as Chief of Staff of the Military Division (National Guard) and as the Chief Administrative Officer of the Division of Emergency Management.

The Division of Emergency Management (DEM) is charged with preparing for the execution of all designated emergency functions that help to prevent or minimize human injury and repair property damage resulting from natural or man-made disasters. The Division develops and maintains a state emergency operating plan and coordinates local emergency planning and state-wide disaster relief. Emergency planning and relief coordination includes an emphasis on rapid response capabilities and training for accidents involving hazardous materials. DEM also provides radiological defense system maintenance and nuclear weapons defense planning. The DEM has various Hazmat responsibilities including acting as the coordinating agency for Hazmat transportation (K.S.A. 48-929); conducting training and maintaining a registry of sponsored training (K.S.A. 48-929); receiving spill response reports (K.S.A. 65-5705); insuring that each county has a Local Emergency Operations Plan (K.S.A. 48-928); and insuring that annual Hazmat training exercises are conducted (K.S.A. 48-929).

**Kansas Department of Human Resources—Workplace Health and Safety Program.** The Workplace Health and Safety Program was transferred from the Department of Administration to the Kansas Department of Human Resources (KDHR) in 1997. The purpose of the program is to establish a safe and

healthy work environment for all state employees and recognize, reduce, and prevent accident and injury in state workplaces. The program has no duties with regard to the general public. Under K.S.A. 44-636, the Department is charged to insure occupational safety and health compliance with national standards for public sector employees. The KDHR involvement with Hazmat response would be limited to assessing the safety of responders who are state employees.

**Kansas Department of Health and Environment.** The Kansas Department of Health and Environment (KDHE) is charged to regulate hazardous waste (K.S.A. 65-3430); to regulate solid waste (K.S.A. 65-3401); and to monitor cleanup efforts (K.S.A. 65-3453).

**Kansas Department of Transportation.** The Kansas Department of Transportation (KDOT) has general responsibilities for maintaining the flow of highway traffic. KDOT also routinely responds to and assists in cleaning up Hazmat spills on the state's highways.

#### COMMITTEE ACTIVITIES

The Committee received testimony from several state agencies which currently have Hazmat responsibilities. That testimony is summarized below.

**Adjutant General.** A representative of the Adjutant General's Department presented an overview of the various Hazmat emergency response roles of state agencies having Hazmat duties. The representative stated that the principal concern of those agencies is not the vulnerability of Kansas citizens, but rather the safety of responders. Responders frequently must attend to situations for which they have neither appropriate training nor equipment. The representative also reviewed the Hazmat emergency response duties of local units of government and suggested creation of some type of regional Hazmat response.

**Kansas Department of Health and Environment.** KDHE presented statistics about reported

Hazmat spills for the period of 1996-1998. Total spills reported to KDHE varied from a low of 1,281 in 1997, to a high of 1,727 in 1998. The vast majority of spills were oil and gas-related, followed by agriculture-related spills. The most frequent type were pipeline spills, followed by motor vehicle (truck) spills.

**Kansas Highway Patrol.** KHP reported all Patrol staff must understand the threat posed by the transportation of hazardous materials. All Troopers are provided with "Awareness Level" training; 20 have completed "Operations Level" training; and one staff person has completed training at the "Incident Commander Level." In addition, each officer receives at least two hours of hazardous materials response related instruction during the annual in-service training. The Patrol is also responsible for protecting the public at Hazmat incident sites and for notifying other appropriate entities.

**Riley County Fire Chief.** The Riley County Fire Chief urged the implementation of a "ONE CALL" reporting system for Hazmat emergency response incidents to facilitate the rapid dissemination of that information to all affected state and federal agencies, as well as local responders.

**State Fire Marshal's Office.** A representative of KFSM discussed the role of that office in Hazmat responses. KFSM receives reports of all emergency Hazmat responses by local fire departments; and has general responsibility for fire safety, including explosives; and is involved in training efforts for local fire departments. The Fire Marshal has identified the need for standardized Hazmat training in Kansas and has submitted a proposal to the Governor's Office to organize the state on a regional basis for Hazmat responses. The proposal also would grant KFSM administrative authority for all Hazmat emergency response training in Kansas. The Fire Marshal believes that adequate training will eliminate many of the liability issues regarding Hazmat emergency responses.

**Post Audit Report on the Kansas Highway Patrol.** As a related part of this study, the Committee reviewed the Performance Audit Report

"Reviewing Issues Related to the Highway Patrol's Staffing, Salaries, and Scheduling (No. 98-52, September 1998) prepared by the Legislative Division of Post Audit. The Committee received a briefing on the report by Post Audit staff, and received comments from the Highway Patrol and the Kansas State Troopers Association. The Committee received testimony from the newly-elected President of the Troopers Association in which he pledged to work diligently with the management of the Patrol to improve relations between the upper-level staff and the troopers.

### **Governor's Hazmat Proposal**

The Chief Legal Counsel for the Governor's Office presented a Hazmat response plan which the Governor has endorsed to the Committee. That plan is the result of efforts by representatives from the Kansas Highway Patrol, Kansas Division of Emergency Management, Kansas Fire Marshal's Office, Kansas Department of Transportation, Kansas Department of Human Resources, and the Kansas Department of Health and Environment who began meeting in May of 1998 to develop a coordinated plan for Hazmat response. The recommended plan combines the proposals submitted by these participating agencies. The Governor's plan envisions the division of duties and responsibilities outlined below.

The Chief Legal Counsel stated that currently, a significant number of local communities appear to lack personnel who are adequately trained and equipped to respond to hazardous materials spills.

**Kansas Division of Emergency Management** will continue to oversee all current functions of the Adjutant General's office relating to hazardous chemicals and emergency planning, including assisting counties with planning functions for all emergencies. An employee or employees trained in chemical/hazardous material will remain on staff to assist with Hazmat releases. Emergency responders will call upon these employees for advice about appropriate action when the emergency responders are unfamiliar with the chemical/hazardous material.

**Kansas Highway Patrol** will continue to provide awareness training to its employees. Any KHP employee arriving on the scene of a Hazmat emergency will assess the need for contacting the Hazmat response team in consultation with other emergency responders, principally the fire department and local law enforcement officers. KHP will assume command responsibility for security of the site of the incident in cooperation with local officials.

**Kansas Department of Health and Environment** will continue to monitor clean up activities.

**Kansas Department of Transportation** will continue responding to and assisting with Hazmat spills on public roads and rights-of-way. KDOT will ensure its employees have the training and equipment necessary to adequately respond to such spills. KDOT also will train its employees to determine when it is necessary to request assistance from a Hazmat team.

**Kansas State Fire Marshal** will hire three employees to coordinate Hazmat emergency response resources. The Fire Marshal Fee Fund will finance the Hazmat response coordination effort. This coordination includes: locating and managing the distribution of trained Hazmat emergency responders; establishing a statewide plan for Hazmat emergency response coverage through the use of mutual aid agreements between Hazmat trained fire departments and jurisdictions needing assistance; and, manage grants to finance the training and equipment needs of responders who are participants in mutual aid agreements. Grants will be available to responders who agree to execute mutual aid agreements with counties or cities as necessary to facilitate statewide coverage. KSFM will ensure all parties fulfill the obligations of the grants.

KSFM, with the assistance of all the agencies involved, will establish appropriate procedures for requesting assistance of an emergency Hazmat response team. KSFM also will establish consistent hazardous materials training standards and training programs. These protocols and training standards will be established with the input and assistance of the local firefighters, and any other

appropriate entity. KSFM will work with other agencies to coordinate appropriate training programs for all responders, including the Hazmat teams. KSFM will establish a procedure for the reimbursement of expenses of the local jurisdictions who are parties to the mutual aid agreements and a collection procedure for seeking repayment of these reimbursements from the spiller.

**Kansas Department of Human Resources** will act as the quality control agent for the Hazmat emergency response teams. KDHR also will evaluate safety compliance laws and standards and the effectiveness of the response team's efforts.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee concludes that a coordinated policy relative to hazardous materials emergency response programs should be developed in Kansas. Such a coordinated policy would result in developing a well-trained and well-equipped response capability in Kansas. The Committee recommends introduction of legislation to implement the Governor's Hazmat Response Plan. The Committee also recommends implementation of a 1-800 number for requesting a response to a Hazmat incident. That mechanism should be implemented in a manner that facilitates rapid response by appropriate agencies.

**Post Audit Report on the Kansas Highway Patrol.** The Committee encourages both the Patrol management staff and the troopers to work together to resolve the various issues and to re-establish open communications and trust in the Patrol.



HOUSE BILL No. 2012  
By Special Committee on Federal and State Affairs  
12-16

AN ACT concerning the state fire marshal; relating to the powers and duties thereof; amending K.S.A. 31-133 and repealing the existing section.

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

Section 1. K.S.A. 31-133 is hereby amended to read as follows: 31-133. (a) The state fire marshal shall adopt reasonable rules and regulations, consistent with the provisions of this act, for the safeguarding of life and property from the hazards of fire and explosion. Such rules and regulations shall include, but not be limited to the following:

(1) The keeping, storage, use, sale, handling, transportation or other disposition of highly flammable materials, including crude petroleum or any of its products, natural gas for use in motor vehicles, and of explosives, including gunpowder, dynamite, fireworks and firecrackers; and any such rules and regulations may prescribe the materials and construction of receptacles and buildings to be used for any of such purposes;

(2) the transportation of liquid fuel over public highways in order to provide for the public safety in connection therewith;

(3) the construction, maintenance and regulation of exits and fire escapes from buildings and all other places in which people work, live or congregate from time to time for any purpose, including apartment houses, as defined by K.S.A. 31-132a, and amendments thereto, ~~but~~. Such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(4) the installation and maintenance of equipment intended for fire control, detection and extinguishment in all buildings and other places in which persons work, live or congregate from time to time for any purpose, including apartment houses as defined by K.S.A. 31-132a, and amendments thereto, ~~but~~. Such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(5) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to conduct at least one fire drill each month at some time during school hours, aside from the regular dismissal at the close of the day's session, and prescribing the manner in which such fire drill is to be conducted;

(6) procedures for the reporting of fires and explosions occurring within the state and for the investigation thereof;

(7) procedures for reporting by health care providers of treatment of second and third degree burn wounds involving 20% or more of the victim's body and requiring hospitalization of the victim, which reporting is hereby authorized notwithstanding any provision of K.S.A. 60-427, and



amendments thereto, to the contrary;

(8) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to establish tornado procedures, which procedures shall provide for at least three tornado drills to be conducted each year at some time during school hours, aside from the regular dismissal at the close of the day's session, shall describe the manner in which such tornado drills are to be conducted, and shall be subject to approval by the state fire marshal;

(9) requiring administrators of community colleges, colleges and universities to establish tornado procedures, which procedures shall be subject to approval by the director of the local council of defense in the county or, if there is no such county director, by the head of the state civil defense division; *and*

(10) *the development and implementation of a statewide system of hazardous materials assessment and response; and*

~~(10)~~(11) other safeguards, protective measures or means adapted to render inherently safe from the hazards of fire or the loss of life by fire any building or other place in which people work, live or congregate from time to time for any purpose, except buildings used wholly as dwelling houses containing no more than two families.

(b) Any rules and regulations of the state fire marshal adopted pursuant to this section may incorporate by reference specific editions, or portions thereof, of nationally recognized fire prevention codes.

(c) The rules and regulations adopted pursuant to this section shall allow facilities in service prior to the effective date of such rules and regulations, and not in strict conformity therewith, to continue in service, so long as such facilities are not determined by the state fire marshal to constitute a distinct hazard to life or property. Any such determination shall be subject to the appeal provisions contained in K.S.A. 31-140, and ~~any~~ amendments thereto.

New Sec. 2. The state fire marshal may provide a toll-free telephone number where persons may call the state fire marshal to request a response to a hazardous materials incident.

Sec. 3. K.S.A. 31-133 is hereby repealed.

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



**Committee on Governmental Organization and Elections**  
**HB 2012- Testimony of Natalie G. Haag, Office of the Governor**  
**January 20, 1999**  
**Page 1 of 2**

HB 2012 was drafted at the request of the Special Committee on Federal and State Affairs in response to testimony presented this fall. This testimony focused on the difficulties surrounding the issues of providing adequate hazardous material spill response. As you know, responding to hazardous material (hazmat) spills takes special equipment and training. Some local communities in Kansas lack the resources necessary for hazmat training and response equipment. These communities want to provide this protection to their citizens and are searching for an economically feasible way to do so.

Governor Graves' concern about the hazmat issues resulted in a request for certain state agencies to meet and discuss possible solutions. Representatives from the Kansas Highway Patrol, Kansas Department of Emergency Management, Kansas State Fire Marshall's Office, Kansas Department of Transportation, Kansas Department of Human Resources, and the Kansas Department of Health and Environment began meeting in May of 1998 to develop a coordinated plan for hazmat response.

A summary of the Governor's recommendations for addressing the shortage of trained hazmat spill response personnel and equipment have been set forth in the Reports of the Special Committee on Federal and State Affairs at pages 2-7 and 2-8.

Providing assistance without expanding the costs of government is often a challenge. In this case, the focus is on coordinating existing resources. Although all highway patrol troopers, and certain KDOT employees, are trained to at least the awareness level, the largest number of trained hazmat response personnel are currently available in the fire service field. In Kansas, 1,200 fire fighters are trained to the awareness level and 301 are trained to the technician level. Awareness training gives responders adequate knowledge of chemicals to perform defensive actions against most spills. Technician level training gives the responder enough tools to actively plug a leak, stop a spill, or put out a fire.

Thus, the Governor's proposal provides that each state agency currently involved in providing training or response for hazardous material spills will continue to perform those services and will coordinate those services with the hazmat program administrator where appropriate. The program administrator, a training coordinator, and one support staff would be added to the Kansas State Fire Marshall's office.

These new employees would be responsible for the following tasks: locating and managing the distribution of existing trained hazmat emergency responders; establishing a statewide plan for hazmat response coverage through the use of mutual aid agreements between fire departments adequately trained for hazmat response and jurisdictions needing assistance with hazmat responses; and managing fee fund grants to facilitate the training and equipment needs of responders who have been awarded grants for the execution of mutual aid agreements. In return for grant monies, the responders will agree to execute mutual aid agreements with counties or cities as required by the administrator

*G. O. E*  
*1/20/99*  
*Attachment # 2*  
*2-1*

**Committee on Governmental Organization and Elections**  
**HB 2012- Testimony of Natalie G. Haag, Office of the Governor**  
**January 20, 1999**  
**Page 2 of 2**

to facilitate statewide coverage. KSFM will ensure all parties fulfill the obligations of the grants. KSFM will establish appropriate protocols/procedures for requesting assistance of the emergency hazmat response team on contract. KSFM will also establish consistent hazardous materials training standards and training programs. These protocols and training standards will be established with the input and assistance of the firefighters, other state agencies as outlined in the attachment and any other appropriate entity. The KSFM will work with other agencies to coordinate appropriate training programs for all responders, including the hazmat teams. KSFM will establish a procedure for the reimbursement of expenses by the contractor and a collection procedure for seeking repayment of these reimbursements from the spiller.

No state general funds will be used for this program. The Fire Marshall's Fee Fund will be used to fund the positions and the grants for hazmat responders. The money in this fund comes from fire insurance policies.

Minimal legislation is necessary to carry out this proposal. A modification in the mutual aid authority for fire departments will be necessary. The fire marshal will need authority to hire additional staff and expend money from the fee fund. The fire marshal will also need authority to pursue the materials spiller for the costs of the response. HB 2012 was drafted to address these needs.

The administrator of this program will strive to bring agencies together on the issues and work with industry to encourage public and private cooperation on these issues. A comprehensive system will assist in community development effort for all of Kansas.



OFFICE OF THE  
KANSAS STATE FIRE MARSHAL

Gale Haag  
Fire Marshal

700 SW JACKSON, SUITE 600, TOPEKA, 66603-3714  
PHONE (785) 296-3401 / FAX (785) 296-0151

Bill Graves  
Governor

Testimony of Jim Keating, Administrator, Fire Prevention  
Division, Kansas State Fire Marshal's Office

January 20, 1999

House Bill #2012

This agency has worked the past two years in conjunction with other State Agencies, the Kansas Fire Service and private industry in the development of a program that, when fully implemented, will provide an on-call timely response of trained and equipped personnel to all areas of this State to assist local response agencies in the stabilization and control of haz-mat incidents.

THE PROGRAM

- \* Numerous haz-mat incidents occur each day in Kansas, many in areas where no haz-mat response capabilities exist. The lack of containment action can endanger the responders, general public and environment.
- \* The current haz-mat training program in the State is inconsistent as to the quality and delivery.
- \* It is not practical that every response agency be equipped and trained to provide offensive action at a haz-mat incident.
- \* Larger response agencies that currently are willing to render aid to adjoining jurisdictions have a difficult time doing so because of a lack of a mutual aid agreement. This is due to the inability of a small area to provide for the necessary cost reimbursement.

THE PROPOSED SOLUTION AS WILL BE ALLOWED FOR IMPLEMENTATION BY  
HB#2012

- \* A program that will allow for a response team that will be made up of current members of fire departments that will be trained and equipped per Federal standards and will be able to respond to any area of Kansas. Once on the scene, the team will work as a resource to the local responding agency in the containment of the incident.
- \* The program will provide a means to develop, deliver and assure quality of all haz-mat training programs from the basic awareness level through technician.

*"Where fire safety is a way of life."*

*House 6.0 + E  
Jan. 20 1999  
Attachment 3  
page 3-1*

EXPLANATION OF ATTACHMENTS

- A) A draft outline of the programs operation
- B) An outline of the proposed implementation of the program
- C) Data per county of haz-mat incidents reported to fire departments in 1996
- D) Data per county of haz-mat incidents reported to fire departments in 1997
- E) Copy of survey sent to fire departments of first and second class cities and re-cap of that survey
- F) A State map indicating fire departments that have shown interest in being a regional host site
- G) A breakdown of the types of fire departments currently in Kansas





Gale Haag  
Fire Marshal

OFFICE OF THE  
KANSAS STATE FIRE MARSHAL

Bill Graves  
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The following is a draft outline of the proposed Haz-Mat Regional Response System that would be administered through the Kansas State Fire Marshal's Office with the approval of HB #2012.

This program will be designed to deliver the following services statewide:

- A) Provide for fully trained and equipped Haz-Mat Response Team System that is capable of assisting local Jurisdictions in containing and stabilizing hazardous materials incidents.
- B) Provide evaluation of all hazardous materials training programs and assure the delivery of quality standardized programs statewide.

The following is a draft outline of the operation of the proposed response system:

- 1) Program Structure  
Response teams will be organized, trained, equipped and contracted on a regional basis to be able to respond within acceptable time parameters to any area within the State. Regional team sites would be developed and maintained at no less than six (6) locations throughout the State.
- 2) Program Administration  
The system would be administered through a program manager that will be a permanently assigned position within the State Fire Marshal's Office. The Program Manager will have a full time training facilitator and office assistants assigned as part of the program team.
- 3) Program Response Personnel
  - A) Personnel will be obtained by contract for services from fire departments, private contractors, industry, law enforcement agencies and government entities.
  - B) All response personnel will be trained to a standardized level per state and federal guidelines.
  - C) A system will be established that will provide compensation of expenses to the providers of response personnel.
  - D) Required insurance coverages will be assured to response personnel working outside their respective jurisdictions.

*"Where fire safety is a way of life."*

- E) A response team shall be defined as no less than six (6) responders trained to the Technician Level per 29 CFR 1910.120P., available to respond when called up through the program.
- 4) Program Equipment
- A) Necessary equipment and supplies will be provided by contract for reimbursement for the use of and payment for products consumed. Equipment and supplies will be purchased, stored and maintained throughout the program at regional sites where such is not available by contract at that site. Equipment would be housed at the regional host sites.
  - B) A response unit shall be defined as a vehicle, trailer, etc. that is stocked and ready to respond with the necessary equipment and supplies to properly sustain the response team in any activity they are trained to provide.
- 5) Program Operation
- The program administrator and staff:
- A) Will provide manpower and equipment for program operation through acquisition or by contract.
  - B) Evaluate training of program participants to assure standardized training and continuing education of all participants.
  - C) Maintain training and medical records of program participants.
  - D) Provide for reimbursement and contract fees to program participant agencies.
  - E) Assure proper insurance coverage for program operation and its participants.
  - F) Provide mechanism of communication for call up of regional teams.
  - G) Assure continued timely responding capabilities of regional teams.
  - H) Establish a Statewide Mutual Aid Agreement through the program to be used in Haz-Mat incidents.
  - I) Be responsible for billing the spiller for costs involved. Spiller fees collected will be used to supplement the program operational costs.
  - J) Be responsible for establishing a continuous stable means for program funding.

The foregoing is again a draft outline of the proposed operation of a Statewide Regional Haz-Mat Response System that would be available by call to immediately respond to assist local jurisdictions to contain or assist with haz-mat spills, releases and accidents. The response team would become a resource to the agency in charge of the incident and would work within the Incident Command System established by that agency.

Should additional information be required on this agency's proposal, please contact Jim Keating at the Kansas State Fire Marshal's Office, 785-296-4239.



Gale Haag  
Fire Marshal

OFFICE OF THE  
**KANSAS STATE FIRE MARSHAL**

Bill Graves  
Governor

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PHONE (785) 296-3401 / FAX (785) 296-0151

**STATEWIDE REGIONAL RESPONSE PROGRAM FOR HAZARDOUS MATERIALS**

**PROPOSED OUTLINE FOR IMPLEMENTATION**

**BY JIM KEATING**

**KANSAS STATE FIRE MARSHAL'S OFFICE**

**A)**

- 1) Formulate criteria to include plans, procedures and goals of program
- 2) Conduct survey to establish response regions
- 3) Obtain program administrator and support person
- 4) Formally design program to include written procedures, contracts, mutual aid agreements and regulatory requirements
- 5) Complete an intensive review of all resources currently available (trained personnel, equipment, private agencies, etc.) that are available to contract the delivery of services to the program
- 6) Obtain training coordinator for program
- 7) Complete a thorough review of current training programs and establish a statewide consistent training program for the basic awareness and operational levels of hazardous training; Provide for methods of delivery and funding for training programs

*"Where fire safety is a way of life."*

- 8) Begin implementation of program by region; First region to be in western portion of the state; Even though this area has fewer incidents, they also have very limited resources and are distant from any assistance

**B) RESPONSIBILITY OF POSITIONS**

**PROGRAM ADMINISTRATOR -**

- 1) Will design program to criteria established
- 2) Survey existing resources
- 3) Establish minimum equipment requirements for host regions
- 4) Establish training requirements for personnel for program participation
- 5) Will design contracts, mutual aid agreements, and reporting forms
- 6) Will assure program is consistent with other state agencies responsibilities in the area of haz-mat and that all existing state and Federal requirements are being met
- 7) Will provide for a method of collection and accounting of fees collected from the spiller for containment activities
- 8) Will provide for a clear and concise procedure for cost accounting of the program
- 9) Will serve as the public information officer of the program to educate the fire service, city/county governments and citizens on the program
- 10) Will establish criteria for the continual quality assurance of the program

**TRAINING ADMINISTRATOR -**

- 1) Will work with program administrator to design training criteria for all levels of personnel involved in any way in haz-mat incidents
- 2) Will design or evaluate and approve course(s) of instruction
- 3) Will provide for method of instruction and certification of instructors
- 4) Will provide for a method of statewide delivery of training to include necessary instructional materials for the basic and operation levels of instruction
- 5) Shall establish a record keeping system to assure all responders are trained and retrained per Federal requirements
- 6) Shall maintain current and constant record keeping on all technician level trained personnel that participate in the response and assure the required yearly retraining of such personnel
- 7) Shall assure the training program is consistent with all other state, city and county government agencies that might be called in a haz-mat situation
- 8) Will work in cooperation with all other agencies that has involvement in hazardous materials education programs



|          |         |          |          |          |          |          |           |            |          |              |            |           |          |
|----------|---------|----------|----------|----------|----------|----------|-----------|------------|----------|--------------|------------|-----------|----------|
| CHEYENNE | RAWLINS | DECATUR  | NORTON   | PHILLIPS | SMITH    | JEWELL   | REPUBLIC  | WASHINGTON | MARSHALL | NEMAHA       | BROWN      | DONIPHAN  |          |
|          |         | 8        |          | 3        | 2        |          |           | 1          | 4        | 3            | 4          | 6         |          |
| SHERMAN  | THOMAS  | SHERIDAN | GRAHAM   | ROOKS    | OSBORNE  | MITCHELL | CLOUD     | CLAY       | RILEY    | POTTAWATOMIE | JACKSON    | ATGHISSON |          |
| 12       | 14      | 1        | 1        | 1        | 2        | 5        | 9         | 8          |          | 30           | 4          | 29        |          |
| WALLACE  | LOGAN   | GOVE     | TREGO    | ELLIS    | RUSSELL  | LINCOLN  | OTTAWA    | DICKINSON  | GEARY    | WABAUNSEE    | SHAWNEE    | JEFFERSON |          |
|          | 3       |          |          | 28       | 56       |          | 1         | 9          | 32       | 3            | 241        | 18        |          |
| GREELEY  | WICHITA | SCOTT    | LANE     | NESS     | RUSH     | BARTON   | ELLSWORTH | MC PHERSON | MORRIS   | LYON         | OSAGE      | DOUGLAS   | JOHNSON  |
| 4        |         |          |          |          | 6        | 58       | 9         | 76         | 14       | 70           | 12         | 216       | 539      |
| HAMILTON | KEARNY  | FINNEY   | HODGEMAN | PAWNEE   | EDWARDS  | STAFFORD | RENO      | HARVEY     | BUTLER   | GREENWOOD    | WOODSON    | ALLEN     | BOURBON  |
| 2        | 1       | 60       | 1        | 8        |          | 3        | 85        | 10         | 126      | 3            |            | 35        | 21       |
| STANTON  | GRANT   | HASKELL  | GRAY     | FORD     | KIOWA    | PRATT    | KINGMAN   | SEDGWICK   | ELK      | WILSON       | NEOSHO     | CRAWFORD  |          |
|          | 10      | 1        | 8        | 57       |          | 5        | 1         | 464        | 6        | 6            | 28         | 54        |          |
| MORTON   | STEVENS | SEWARD   | MEADE    | CLARK    | COMANCHE | BARBER   | HARPER    | SUMNER     | COWLEY   | CHAUTAUQUA   | MONTGOMERY | LABETTE   | CHEROKEE |
| 2        |         | 61       |          |          | 1        |          | 7         | 54         | 79       | 3            | 65         | 33        | 19       |

Hazard Materials Spills / Leaks, Chemical Emergencies  
 Total Number of Incidents Responded to by Kansas Fire Departments during 1996

## Hazardous Materials Response Survey

In developing the fire service plan for hazardous materials response please complete the following survey. This information needs to be faxed to the State Fire Marshal's Office at 913-296-0151 no later than July 23, 1997. The intent of this survey is to give us a broad idea of who/what is already available in our state. We do not have a detailed plan completed at this time so we cannot answer questions about what we expect or what we will or will not be providing. By completing this survey you are not committing your department to anything. Our timeline is short so your cooperation is necessary. If you do have questions feel free to contact Elena Nuss or Jim Keating at 913-296-3401. Your support is greatly appreciated!

1. How many personnel in your department are trained to the following levels:

Awareness Level \_\_\_\_\_ Technician Level \_\_\_\_\_

Operations Level \_\_\_\_\_ Other \_\_\_\_\_

2. Does your department maintain any hazardous material response equipment?      YES      NO  
(Circle One)

If so, please give us a general ideal of what you have available.

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3. Does your department have containment capability at haz mat incidents?      YES      NO  
(Circle One)

4. Would your department be interested in being a regional host for a state sponsored Regional Hazardous Materials Response Team that would be administered by the Kansas State Fire Marshal's Office.

YES      NO  
(Circle One)

If interested what capabilities would your department offer?

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5. Please feel free to include any additional comments or concerns.

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# OFFICE OF THE KANSAS STATE FIRE MARSHAL

Gale Haag  
Fire Marshal

700 SW JACKSON, SUITE 600, TOPEKA, 66603-3714  
PHONE (785) 296-3401 / FAX (785) 296-0151

Bill Graves  
Governor

## Hazardous Materials Response Survey

The Kansas State Fire Marshal's office in cooperation with the Kansas Fire Service Council produced and distributed a survey to the fire departments covering the 24 first class cities and 90 second class cities of this state. The following is a representation of the questions asked and a re-cap of the responses. Seventy percent of the surveys were completed and returned as of August 4th, 1997.

1. **How many personnel in your department are trained to the following levels:**

|                  |      |                 |   |
|------------------|------|-----------------|---|
| Awareness Level  | 1575 | Technical Level | 367 ~ 92% are cities of the first class |
| Operations Level | 1897 | Other           | 20                                      |

2. **Does your department maintain any hazardous material response equipment? 49 responded Yes**  
**If so, please give us a general idea of what you have available.**

- 16 reported having full containment equipment, Class A suits, air monitor equipment, portable computer equipment, etc.
- 18 reported having Class B suits and limited monitor and containment materials and equipment
- 15 reported having some absorbents, pillows, pad and portable dikes.

3. **Does your department have containment capability at haz-mat incidents? 34 responded Yes**

4. **Would your department be interested in being a regional host for a state sponsored Regional Hazardous Materials Response Team that would be administered by the Kansas State Fire Marshal's Office? 39 responded Yes**

**If interested what capabilities would your department offer?**

| # of Depts | Capabilities offered            |
|------------|---------------------------------|
| 10         | Equipment and vehicle furnished |
| 52         | Classroom/training aids         |
| 18         | Personnel - 24 hour staffing    |
| 7          | Certified instructors           |
| 50         | Personnel                       |
| 2          | Training facility               |

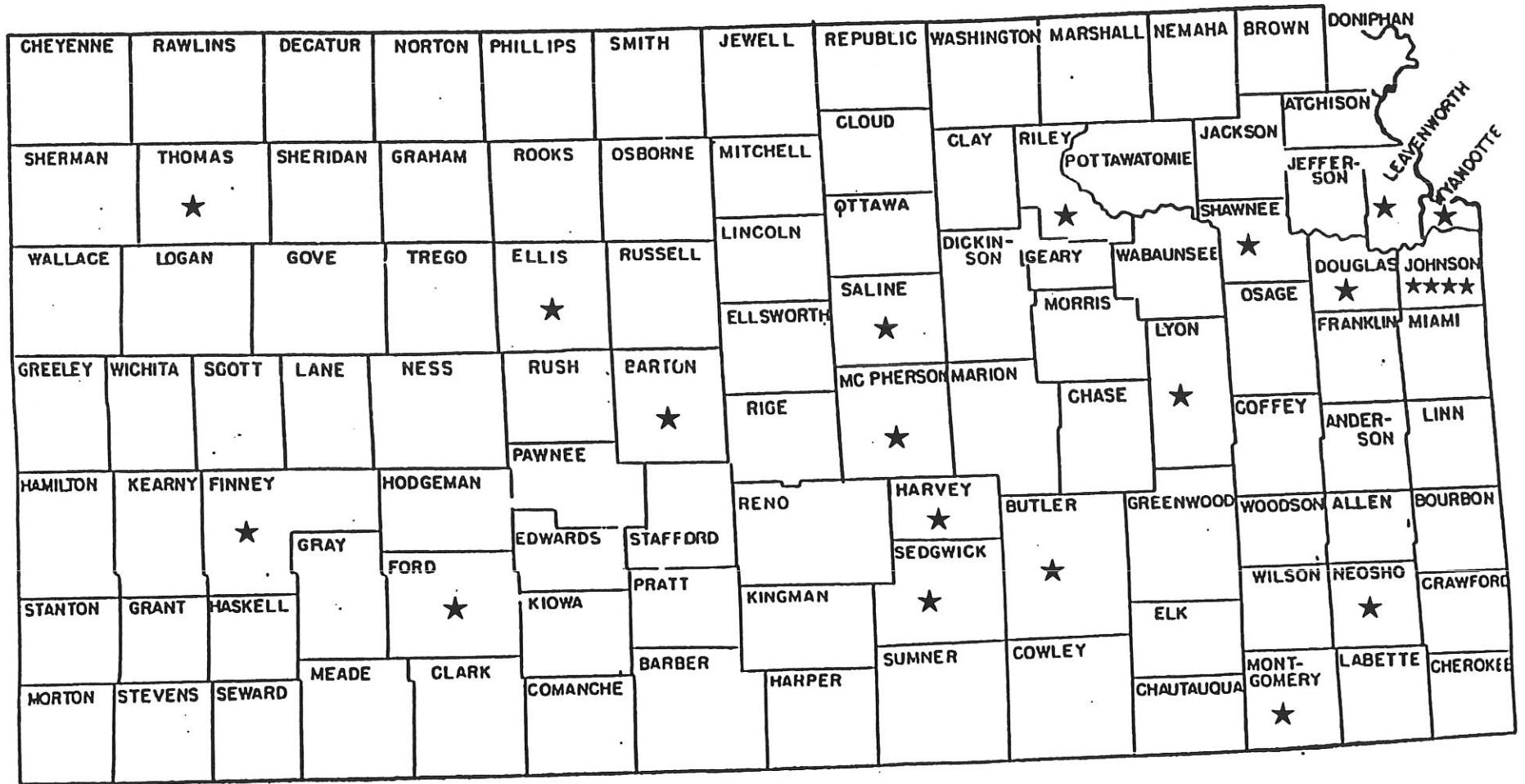
**Please feel free to include any additional comments or concerns. (Sampling of comments)**

- Need to involve private industry in program.
- Plan would need to include statewide mutual aid agreement
- Host departments must be compensated for all costs
- Regional response team is a excellent concept
- Response team would need to be a resource, not a lead incident command function
- This would provide our current Haz-Mat team an opportunity to provide training, respond to more incidents thus keeping up the interest and making a more efficient operation.

NOTE: Although this survey was sent as an anonymous response to obtain the best possible return rate, 92% of the responding departments did identify themselves.

This survey was produced, distributed and re-capped by Jim Keating and Elena Nuss, representing the State Fire Marshal's office. 370

**Geographic Location of Departments indicating interest in a Regional Haz-Mat Response System  
Currently have personnel trained thru Technician Level and have some response equipment.**



- |                         |   |                          |                             |
|-------------------------|---|--------------------------|-----------------------------|
| Thomas Co. - COLBY      | Neosho Co. -CHANUTE                                   | Finney Co. - GARDEN CITY | Ford Co. - DODGE CITY       |
| Barton Co. - GREAT BEND | Saline Co. - SALINA                                   | McPherson Co. -MCPHERSON | Harvey Co. -NEWTON          |
| Sedgwick Co. - WICHITA  | Butler Co. - EL DORADO                                | Lyon Co. -EMPORIA        | Riley Co. -MANHATTAN        |
| Shawnee Co. - TOPEKA    | Montgomery Co. - INDEPENDENCE                         |                          | Douglas Co. - LAWRENCE      |
| Ellis Co. -HAYS         | Leavenworth Co. - LEAVENWORTH                         |                          | Wyandotte Co. - KANSAS CITY |
|                         | Johnson Co. - MERRIAM, OLATHE, OVERLAND PARK, SHAWNEE |                          |                             |

Full Paid Fire Department

ARKANSAS CITY FIRE / EMS DEPT  
ATCHISON FIRE DEPT  
COFFEYVILLE FIRE DEPT  
DODGE CITY FIRE DEPT  
FORBES FIELD MTAAs FIRE DEPT  
HUTCHINSON FIRE DEPT  
INDEPENDENCE FIRE DEPT  
JUNCTION CITY FIRE DEPT  
KANSAS CITY KS FIRE DEPT  
LARNED STATE HOSPITAL FIRE DEPT  
LAWRENCE / DG CO FIRE & MEDICAL  
LEAVENWORTH FIRE DEPT  
LENEXA FIRE DEPT  
LEONARDVILLE FIRE DEPT  
MANHATTAN FIRE DEPT  
OLATHE FIRE DEPT  
OSAWATOMIE STATE HOSPITAL FIRE DEPT  
PARSONS FIRE DEPT  
PITTSBURG FIRE DEPT  
SALINA FIRE DEPT  
SEDGWICK CO FIRE DEPT  
TOPEKA FIRE DEPT  
WICHITA FIRE DEPT  
WINFIELD FIRE DEPT

33 Partial Paid Departments - supplemented by volunteers

ABILENE FIRE DEPT  
ANDOVER-BU CO FIRE DIST #1  
COLBY FIRE DEPT  
CONCORDIA FIRE / EMS DEPT  
EDWARDSVILLE FIRE DEPT  
FORD CO FIRE DEPT  
GARDEN CITY FIRE DEPT  
GARDNER DEPT OF PUBLIC SAFETY  
HAYS FIRE AND INSPECTION SVCS  
HERINGTON FIRE DEPT  
MCPHERSON FIRE DEPT  
MERRIAM FIRE DEPT  
MISSION TWP FIRE DEPT  
NORTON CORRECTIONAL FACIL FIRE DEPT  
RUSSELL FIRE DEPT  
SOUTH JO CO FIRE & RESCUE  
TOPEKA-TECUMSEH FIRE DEPT  
WELLINGTON FIRE DEPT  
CHANUTE FIRE DEPT  
CONSOLIDATED FIRE DIST #2 JO CO  
EL DORADO FIRE DEPT  
EMPORIA FIRE DEPT  
FORT SCOTT FIRE DEPT  
GREAT BEND FIRE DEPT  
IOLA FIRE DEPT  
JOHNSON CO RURAL FIRE DIST #3  
JOHNSON CO FIRE DIST #1  
LEAWOOD FIRE DEPT  
NEWTON FIRE DEPT  
OTTAWA FIRE DEPT  
OVERLAND PARK FIRE DEPT  
SHAWNEE FIRE DEPT  
SOLDIER TWP FIRE DEPT

615 Volunteer Departments - some may receive compensation per call

672 Total Number of Departments





## GOVERNMENTAL ETHICS COMMISSION

TO: Members of House Committee on Governmental Organization and Elections

FROM: Carol Williams, Executive Director

DATE: January 20, 1999

RE: Introduction of Commission Recommendations

The Commission respectfully requests that the House Committee on Governmental Organization and Elections introduce, as committee bills, the following Commission recommendations:

1. Currently, political action committees and party committees do not have to report the names of candidates they make expenditures on behalf of when filing a receipts and expenditures report. The Committee's responsibility is to list the vendor to whom the expenditures is made, not the candidate on whose behalf the expenditure was made. For example, if political committee A pays the postmaster \$1000 and XYZ Printers \$4000 for mailings for Candidates B, C, and D, the committee is only required to show the expenditures to the postmaster and the printer. The public has no idea, from viewing committee A's report, which candidate(s) were the recipients of the in-kind or independent mailing. The Commission believes that full disclosure should be made as to which candidates are being assisted by political and party committee in-kind contributions and/or independent expenditures.
2. The Commission believes that K.S.A. 25-4154(c) should be amended to clarify the provision concerning anonymous contributions. K.S.A. 25-4154(c) states "The aggregate of contributions for which the name and address of the contributor is not reported under K.S.A. 25-4148 shall not exceed 50% of the amount one individual (other than the candidate or spouse) may contribute to or for a candidate's campaign." The Commission believes this section should be amended to be more specific as to what the dollar limitations in statewide, legislative and local candidates are.

House G.O. 25  
Jan 20, 1999

Attachment 4

4-1