

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 9:00 A.M. on March 19, 2007, in Room 514-S of the Capitol.

All members were present except:

- Representative Tom Burroughs - excused
- Representative Mitch Holmes - excused
- Representative Harold Lane - excused
- Representative Tom Sawyer - excused
- Representative Ty Masterson - excused
- Representative Jason Watkins - excused

Committee staff present:

- J. G. Scott, Legislative Research Department
- Becky Krahl, Legislative Research Department
- Aaron Klaassen, Legislative Research Department
- Amy VanHouse, Legislative Research Department
- Jim Wilson, Revisor of Statutes
- Nikki Feuerborn, Chief of Staff
- Shirley Jepson, Committee Assistant

Conferees appearing before the committee:

- Carl McNorton, Chief Deputy, State Fire Marshal Office
- Dan Thompson, State Fire Marshall Office

Others attending:

See attached list.

- Attachment 1 Testimony in support of **HB 2577** by Carl McNorton
- Attachment 2 Budget Committee Report on **HB 2237**
- Attachment 3 Budget Committee Report on **HB 2423**

Hearing on HB 2577 - Authorizing the state fire marshal to recover hazardous material response team costs from responsible persons.

Amy VanHouse, Legislative Research Department, explained that **HB 2577** would allow the State Fire Marshal to conduct investigations to determine the responsible party involved in the dumping or spillage of a hazardous material. Upon determination of the responsible party, the legislation would allow the State Fire Marshal to charge the responsible party for the costs incurred by the agency. If the responsible party does not pay the recovery costs, an action can be brought against them in the Shawnee County District Court. All costs recovered will be deposited in the hazardous materials emergency fund.

Responding to a question from the Committee, Ms. VanHouse stated that the legislation is expansion of statute as it relates to hazardous material team. In addition to the State Fire Marshal, the legislation could apply to the Department of Health and Environment (KDHE), Adjutant General and Kansas Bureau of Investigation (KBI).

The Chair recognized Carl McNorton, Chief Deputy, State Fire Marshal Office, who presented testimony in support of **HB 2577** (Attachment 1). Mr. McNorton stated that the State Fire Marshal Office has provided hazardous materials training for 13 response teams stationed throughout the State. The teams' goal is to respond to a hazardous situation within two hours. The legislation is requested because there are times when the State Fire Marshal does not have the ability to investigate or determine who is the responsible party. This legislation would give them the statutory authority to follow through with an investigation, determine the responsible party and bill for costs incurred by the hazardous material teams.

Responding to questions from the Committee, Mr. McNorton's responses included:

- No clean-up is done by the State Fire Marshal Office. The cost recovery would include such

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on March 19, 2007, in Room 514-S of the Capitol.

- items as containment, spill control and investigation.
- State Fire Marshal Office is a fee funded agency - funded through a 1.25 percent assessment on fire insurance premiums with an annual budget of approximately \$3.2 million.
- At this time, the response fund used to fund the activity of the teams has no source of revenue unless there is an ability for the agency to do cost recovery. Funding of \$1 million was appropriated when legislation was passed to authorize the establishment and training of the response teams; however, funds have been borrowed from the fund to fund the agency and some funds were sweep by the Legislature.
- Each response team contains 8 - 9 members with a total of 13 teams throughout the State.
- Clean-up of hazardous materials is done by a contracted licensed businesses.
- Members of the response teams are usually employed by fire departments and not full-time members of the hazardous material response teams.

Dan Thompson, State Fire Marshal Office, noted that the State Fire Marshal Office uses some of the Department of Health and Environment (KDHE) labs in their investigation work.

Chair Schwartz recognized Pat Hubbell, Lobbyist representing the railroad industry, who presented testimony on **HB 2577**. Mr. Hubbell noted that the railroad industry currently does a considerable amount of training on how to handle hazardous materials and spills; noting that the emphasis this year is on ethanol products - how to detect and how to handle spills of ethanol products. Mr. Hubbell noted that he is not opposed to the legislation; however, has a concern with the funding issue and recovery costs.

Chair Schwartz closed the hearing on HB 2577.

Discussion and Action on HB 2237 - Adult care home administrators licensure by reciprocity.

Representative Bethell, Chair of the Social Services Budget Committee, presented the Budget Committee report on **HB 2237**, moved for the adoption of the Budget Committee report and to recommend **HB 2237** favorable for passage (Attachment 2). The motion was seconded by Representative Kelsey. Motion carried.

Discussion and Action on HB 2423 - Task force on obesity prevention and management.

Representative Bethell, Chair of the Social Services Budget Committee, presented the Budget Committee report on **HB 2423**, moved for the adoption of the Budget Committee report and to recommend **HB 2423** favorable for passage (Attachment 3). The motion was seconded by Representative Ballard. Motion carried.

The meeting was adjourned at 10:00 a.m. The next meeting of the Committee will be held at 9:00 a.m. on March 20, 2007.


Sharon Schwartz, Chair



K A N S A S

F.S. JACK ALEXANDER
FIRE MARSHAL

OFFICE OF THE KANSAS STATE FIRE MARSHAL

KATHLEEN SEBELIUS
GOVERNOR

**TESTIMONY OF KARL MCNORTON,
CHIEF DEPUTY STATE FIRE MARSHAL
ON HB 2577
BEFORE HOUSE APPROPRIATIONS COMMITTEE**

The Kansas State Fire Marshal's Office stands as a proponent of House Bill 2577. The Hazardous Materials Regional Response program began in 2001. The first team is in Hays and we currently have 13 teams located throughout the state. The programs first response was in November 2002. Our program contracts with local fire departments to be responders for a hazmat incident within in a two hour area of their location. We train the personnel, provide equipment, and in some cases trailers to transport their equipment. Our teams will receive authorization or a request to respond to an incident and our agency per their contract will pay them a fee. Once the incident is complete and the team has been reimbursed we will bill the spiller of the incident for cost recovery.

Over the years we have bee fortunate to be able to recover costs associated with a team response for a spiller. However we have had incidents where the spiller was unknown and were unable to cost recover and most recently our ability to cost recover has been challenged as to our statutory authority. This bill provides this program with the ability to formally recover costs and expenses associated to an incident response. The bill also provides the necessary tools to determine and investigate the persons responsible for the discharge, abandonment or disposal of hazardous substances that prompt a team response.

Attached you will find a map our teams and locations and a listing of responses since 2001. Thank you for this opportunity. We encourage the committee to favorably pass this bill.

HOUSE APPROPRIATIONS

700 SW JACKSON STREET, SUITE 600, TOPEKA, KS 6660

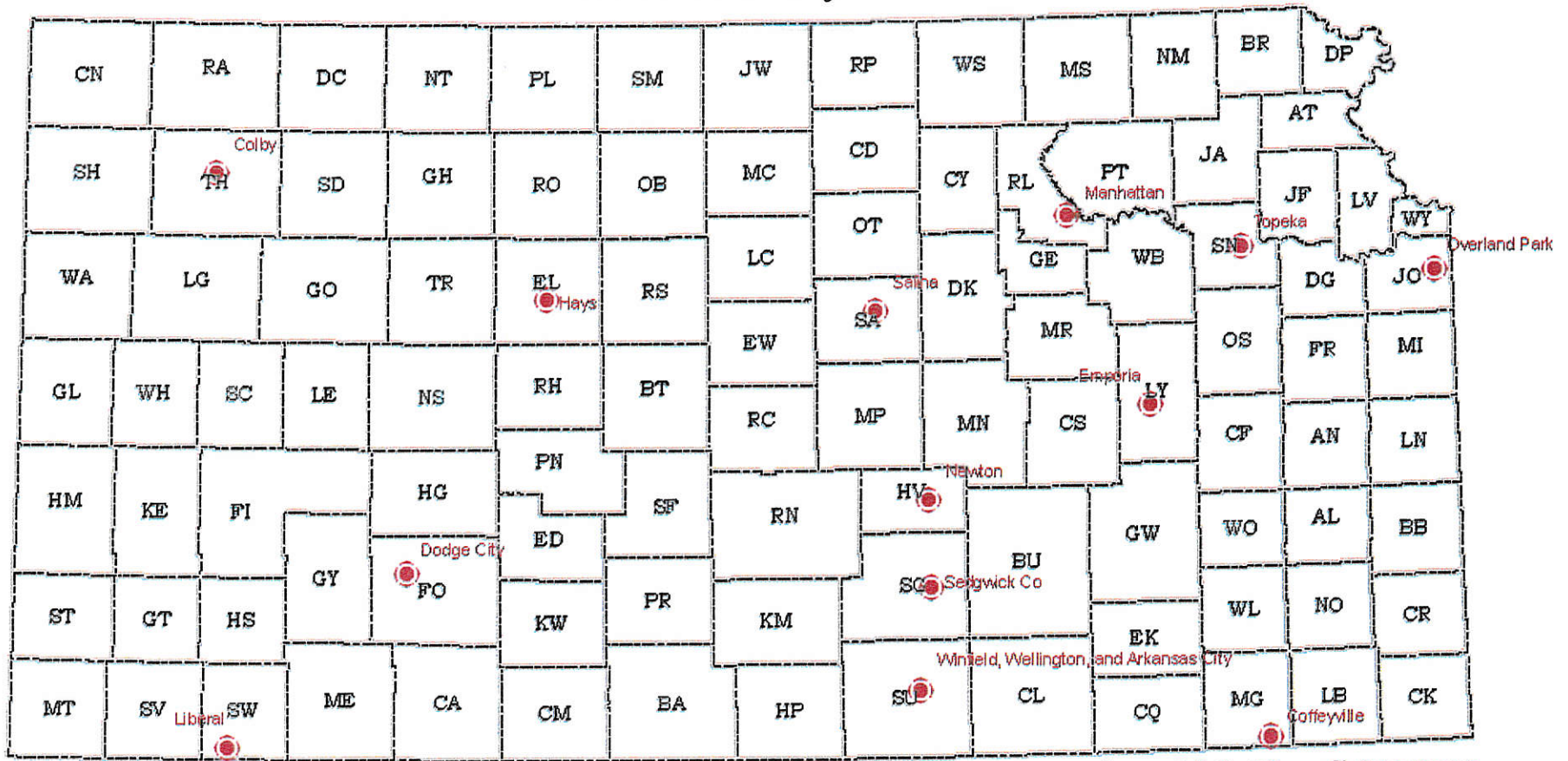
Voice 785-296-3401

Fax 785-296-0151

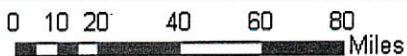
www.accesskansa

DATE 3-19-2007
ATTACHMENT 1

Kansas Hazmat Regional Response Teams as of January 2007



Source: US Census Bureau, Kansas Fire Marshal's Office



Kansas Adjutant General's Department
Geographical Information Systems

HazMat Response Incident Log

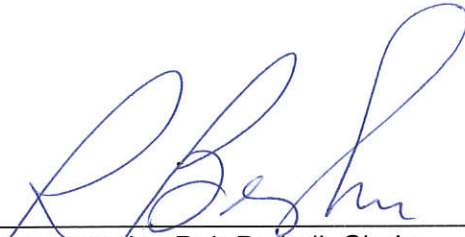
Incident Number	Date	Team Dispatched	Location
001	11-18-02	02 Topeka	Truck Overturn on I70 in Wabaunsee County
002	12-10-02	02 Topeka	Orphan Drum at Topeka Travel Plaza
003	4-6-03	02 Topeka	Accident on I-70; Fuel Spill into Creek
004	4-13-03	06 Sedgwick Co	K254 & Greenwich Rd in Sedgwick Co
005	5-8-03	03 Emporia	Train Derailment in Chase County
006	5-13-03	07 Wellington	Tank Farm on Fire in Cowley County
007	5-17-03	03 Emporia	Train Derailment in Chase County
008	5-21-03	00 KSFM Unit	Transformer Leaking PCB Oil; Cloud County
009	6-17-03	04 Ford Co	Train Derailment in Gray County
010	8-18-03	02 Topeka	Leaking Cylinder at K116 & Union Rd in Jackson Co
011	10-9-03	01 Hays	Chlorine Leak at Water Plant in Oakley
012	10-14-03	02 Topeka	Unknown Hazardous Odor at State Office Bldg
013	12-10-03	01 Hays	Truck Overturn on I-70 in Russell County
014	1-16-04	06 Sedgwick Co	Farm Chemicals Fire in Labette County
015	1-21-04	02 Topeka	Diesel Fuel Spill into Waterway in Topeka
016	12-28-03	02 Topeka	Hazardous Trash Spill Along I-470 in Topeka
017	4-22-04	06 Sedgwick Co	Unknown White Substance in Roadside Ditch
018	5/1-2/04	04 Ford Co	Cylinder Leaking Unknown Substance in Kiowa Co
019	5/12-17/04	02 Topeka	Brown vs. Board of Ed; Presidential Visit to Topeka
020	5-23-04	07 Wellington	Train Derailment in Sumner County near Argonia
021	6-2-04	02 Topeka	Chemical Dumped in Roadway in Brown County
022	6-6-04	09 Overland Park	Chemical Fire at Co-op in Ottawa
023	7-21-04	07 Wellington	Overtured Transporter, Highway 99, Elk County
024	9-24-04	02 Topeka	Tanker Truck Crash on I-70 in Topeka
025	12-17-04	07 Wellington	Unknown Chemicals in City Maintenance Building
026	2-3-05	09 Overland Park	Train Derailment east of Wellsville, Franklin Co
027	6-15-05	02 Topeka	White Powder in Opened Mail at Jayhawk Towers
028	7-20-05	12 Manhattan	Crane Overturn & Diesel Spill into Tuttle Creek Lake
029	7-21-05	12 Manhattan	Truck Overturn & Fuel Spill into River
030	8-8-05	09 Overland Park	Truck/Tanker Truck Accident/Fuel Spill, Johnson Co
031	9-6-05	11 Newton	Ammonia Nurse Tank Rollover & Broken Valve
032	9-22-05	08 Colby	Overtured Trailer of Farm Chemicals
033	10-28-05	01 Hays	Unknown Substance dumped in Parking Lot
034	11-17-05	05 Seward Co	Powdery Substance at Postal Facility

035	12-18-05	13 Coffeyville	Vehicle Accident Involving Fuel Storage Pipeline
036	1-23-06	12 Manhattan	Stand by for Presidential Visit at K-State
037	2-8-06	02 Topeka	Railroad Engine Derailment with Diesel Fuel Spill
038	2-9-06	13 Coffeyville	Creosote Fire at Farm in Wilson County
039	3-3-06	04 Ford Co	Unknown Substance in Feedlot in Pratt County
040	3-30-06	01 Hays	Chlorine Leak 150# Cylinder in Phillips County
041	4-4-06	01 Hays	Leaking Tote on Flatbed Truck in Trego County
042	4-12-06	01 Hays	Crop Duster Plane Crash in Smith County
043	4-14-06	12 Manhattan	Chemical Spill at King Hall on K-State Campus
044	4-18-06	12 Manhattan	Stand by for Vice Presidential Visit to Fort Riley
045	5-9-06	03 Emporia	Truck Overturn with Fuel Spill in Chase County
046	5-11-06	08 Colby	30 gal Drum Leak in Van
047	5-23-06	03 Emporia	Explosion at Tank Battery Farm in Woodson Co
048	6-13-06	12 Manhattan	Trash Truck Diesel Fuel Spill in Manhattan
049	7-14-06	02 Topeka	Overtured Milk Truck w/Diesel Fuel Spill in Topeka
050	9-26-06	02 Topeka	Propane Tank Breach at Residence in Shawnee Co
051	9-29-06	13 Coffeyville	Pipeline Rupture/Explosion in Labette Co
052	10-27-06	13 Coffeyville	Diesel Spill from Vehicle Accident Hwy 169; MG Co
053	11-15-06	02 Topeka	White Powder at Douglas Co Sheriff's Office
054	12-5-06	13 Coffeyville	Semi-trailer Gas Spill in Arma in Crawford County
055	12-7-06	10 Salina	Chemical Spill on I70 in Lincoln County
056	12-11-06	12 Manhattan	Ammonia Nurse Tank Accident I-70 Geary County
057	12-13-06	02 Topeka	Hydrogen Sulfide Canister Leak; Shawnee Co
058	12-17-06	09 Overland Park	Leaking Herbicide Container at FD in Pleasanton
059	12-19-06	00 KSFM Unit	White Powder Sample Verification; Lawrence
060	12-29-06	09 Overland Park	Fuel Spill from 406 Tanker in Overland Park
061	12-31-06	02 Topeka	Dumpster Fire involving Farm Chemicals; Topeka
062	2-9-07	00 State Unit	Residential Mercury Spill in Douglas County
063	2-19-07	04 Ford Co	Crude Oil Spill in Stafford County
064	3-1-07	10 Salina	Truck Fuel Leak at 3 Locations in Salina
065	3-7-07	12 Manhattan	Fire with Crude Oil Leak in Cloud County
066	3-9-07	02 Topeka	Chemical Spill at Turnpike Lawrence Service Center

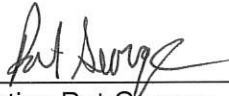
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HOUSE SOCIAL SERVICES BUDGET COMMITTEE

HB 2237



Representative Bob Bethell, Chair



Representative Pat George



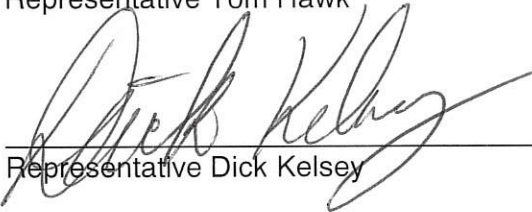
Representative Peggy Mast, Vice-Chair



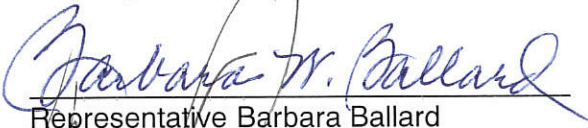
Representative Tom Hawk



Representative Jerry Henry,
Ranking Minority Member



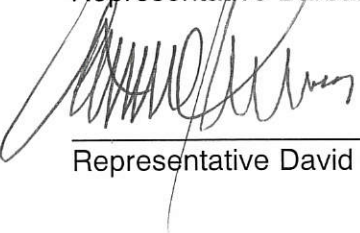
Representative Dick Kelsey



Representative Barbara Ballard



Representative Marc Rhoades



Representative David Crum

HOUSE APPROPRIATIONS

DATE 3-19-2007
ATTACHMENT 2

House Social Services Budget Committee

Recommendation on House Bill 2237

Brief

HB 2237 amend the law regarding reciprocal licenses for adult care home administrators. The bill would allow the Board of Adult Care Home Administrators to grant a license to an individual already licensed as an adult care home administrator in another state if the following conditions are met:

- The licensure requirements of the other state are substantially equivalent to the Kansas requirements; or
- The applicant has been continuously licensed as an adult care home administrator for the five years immediately preceding the application with the minimum professional experience established by the Board; and
- The applicant has not had disciplinary actions of a serious nature brought by the licensing board or agency; and
- The applicant pays a reciprocity application fee and a reciprocity license fee, neither which may exceed \$200.

Background

At the hearing, the Executive Director of the Kansas Adult Care Executives and the General Counsel to the Board of Adult Care Home Administrators testified in favor of the bill. The President of the Kansas Association of Homes and Services for the Aging also provided written testimony in favor of the bill. The conferees indicated that this legislation was modeled after legislation enacted by the 2003 Legislature for the Behavioral Sciences Regulatory Board to provide a greater degree of mobility for licensees. They also indicated that this legislation would allow applicants to be considered more quickly.

There were no opponents to the bill.

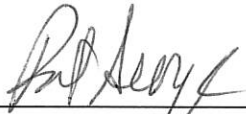
The fiscal note on the bill indicates that the bill would have no fiscal effect on the Kansas Department on Aging or the Kansas Department of Health and Environment.

HOUSE SOCIAL SERVICES BUDGET COMMITTEE

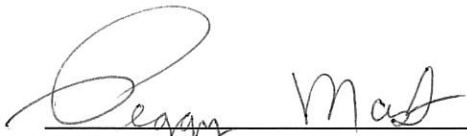
HB 2423



Representative Bob Bethell, Chair



Representative Pat George



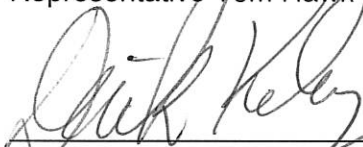
Representative Peggy Mast, Vice-Chair



Representative Tom Hawk




Representative Jerry Henry,
Ranking Minority Member



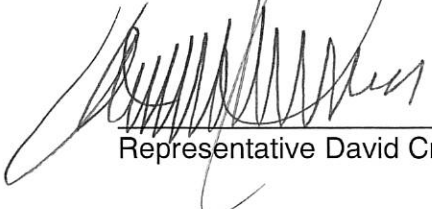
Representative Dick Kelsey



Representative Barbara Ballard



Representative Marc Rhoades



Representative David Crum

HOUSE APPROPRIATIONS

DATE 3-19-2007
ATTACHMENT 3

House Social Services Budget Committee

Recommendation on House Bill 2423

Brief

HB 2423 would create the Kansas Task Force on Obesity Prevention and Management within the Kansas Department of Health and Environment.

The duties of the task force would include, but would not be limited to:

- Conducting statewide meetings with students grades four through 12 on obesity-related diseases and conditions;
- Following student meetings, conducting meetings with school personnel on how to better assist students who may have early indicators of obesity;
- Following school personnel meetings, conducting meetings with parents and civic leaders to discuss how to promote early prevention and management of obesity; and
- After conclusion of the meetings, establishing recommendations for comprehensive, coordinated obesity awareness and education programs as part of the school curricula and for community projects promoting obesity awareness and education programs.

The bill would direct the task force to hold its first meeting no later than August 1, 2007, and submit a report, including proposed legislation, to the Governor, Speaker of the House of Representatives, and President of the Senate no later than November 1, 2008.

The Secretary of Health and Environment shall appoint the Chairperson and Vice-Chairperson of the task force.

Background

Proponents testifying at the hearing on the bill included Representative Barbara Ballard, Representative Jason Watkins, Representative Delia Garcia, and Dr. Howard Rodenberg, Director of Health, Department of Health and Environment. It was reported that childhood obesity continues to rise, causing serious health risks to Kansas children. Conferees reported that preventative measures are more effective and less costly than treating the associated medical conditions. A conferee also noted that obtaining qualitative information from the school population is anticipated to be greatly beneficial.

There were no opponents to the bill.

The fiscal note states that this bill has estimated expenditures for the Department of Health and Environment (KDHE) of \$225,488 from grants and donations and would require 1.7 additional FTE including a task force coordinator, and a part time epidemiologist and clerical support staff.

KDHE reported that by using existing resources, the agency could implement the bill with expenditures of between \$50,000 and \$75,000, most or all of which could be obtained by private grants.