

SESSION OF 2008

**SUPPLEMENTAL NOTE ON SENATE
SUBSTITUTE FOR HOUSE BILL NO. 2634**

As Recommended by Senate Committee on
Natural Resources

Brief*

Senate Sub. for HB 2634 would create two new laws that concern non-fuel flammable or combustible liquid aboveground storage tanks.

The bill would define the terms “facility” and “non-fuel flammable or combustible liquid.” The latter term would not include new and used motor oil, transmission fluid, hydraulic oil, grease and lube oil, asphalt or asphalt emulsions, road oil, crude oil, mineral oil, processed fat, food grade oil, vegetable oil, or ethylene glycol, but would include solvents. Under the terms created by the bill, on or before July 1, 2009, the State Fire Marshal is to conduct an on-site inspection of any facility in existence on the effective date of the bill to determine compliance with standards contained in a specified National Fire Association pamphlet and rules and regulations adopted by the State Fire Marshal. If the facility is in compliance, a reinspection would be required at least once every three years. If a facility is not in compliance, any necessary changes would be required to be made as soon as practicable, but no later than July 1, 2012.

The bill would require that any facility constructed after the effective date of the proposed legislation meet standards specified in the bill and applicable rules and regulations adopted by the State Fire Marshal.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

New facilities or major modifications to existing facilities could not commence until the plans are reviewed and approved by the State Fire Marshal.

The bill also would create a fund in the State Treasury to be known as the Non-fuel Flammable or Combustible Liquid Aboveground Storage Tank System Fund into which any fines assessed under the law would be deposited. Expenditures could only be made from the Fund for administration and enforcement of the provisions created by the bill.

The State Fire Marshal would be required to annually report to the Senate Natural Resources Committee and the House Committee on Agriculture and Natural Resources regarding inspections and compliance with provisions of the bill.

New statutes that would be created by the bill would be a part of and supplemental to the Kansas Storage Tank Act and would become effective on publication in the *Kansas Register*.

Background

The Senate Committee on Natural Resources deleted all of the provisions of HB 2634, which dealt with certain reports dealing with broadband deployment by geographic areas. The Committee amended into the bill the provisions of SB 676 (as amended by the Senate Committee on Natural Resources) dealing with the regulation of certain non-fuel flammable or combustible liquid aboveground storage tanks.

SB 676 grew out of the fire at Barton Solvents facility located in Valley Center. A briefing on the cleanup was provided by the Chief of the Remedial Section of the Department of Health and Environment. Testimony was provided from the State Fire Marshal who also proposed the amendments added by the Senate Committee.

The fiscal note on the bill, as introduced, indicates that the State Fire Marshal believes that an additional expenditures of \$78,119 would be needed for the enactment of SB 676. Of this

amount, \$61,119 would be for 1.00 Fire Prevention Inspector FTE position, \$9,000 for travel and subsistence, and \$8,000 for miscellaneous operating expenses. Because no revenues would be available until FY 2013, at the earliest, the agency's fee fund would have to finance these additional costs. Any fiscal effect resulting from enactment of SB 676 is not accounted for in *The FY 2009 Governor's Budget Report*.