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MEMORANDUM

To: Chairman Hedke and Members of the House Committee on Energy and Environment
From: Matt Sterling, Assistant Revisor of Statutes
Date: 02/01/2016
RE: House Bill 2516

HB 2516 would eliminate the certification requirements and Kansas-specific training requirements under the Asbestos Control Act. Under current law, K.S.A. 65-5308 provides that no person is permitted to engage in an asbestos project unless they hold a certificate for that purpose issued by the secretary of KDHE. To receive the certificate, the person is required to have completed a basic course, approved by the secretary, on the health and safety aspects of the removal and encapsulation of asbestos, including the federal and state standards applicable to asbestos projects. The bill would repeal this requirement.

In addition to the certification requirement, current law also provides that no business entity is permitted to engage in an asbestos project unless the entity holds a license issued by the secretary for that purpose. Under the bill, the training required pursuant to the certification process would be eliminated and replaced with the requirement that all employees and agents of a business entity that come into contact with or engage in an asbestos project receive training in accordance with all asbestos training provisions that are required by the United States department of labor and the environmental protection agency.

Additionally, licensees under the act would be required to keep records of asbestos removal for three years instead of the current six-year requirement. Currently, all fees for the licensing and certification of entities and any penalties assessed under the Asbestos Control Act are credited to the state general fund. The bill would change the transfer of fees for licensing and penalties collected to be transferred to the air quality fee fund.

The bill would require a technical amendment to both provisions that refer to the “air fee fund” to accurately reflect the correct name of the fund as the “air quality fee fund.”