

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

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- 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