

Testimony on SB 261
presented to
Senate Agriculture and Natural Resource Committee
by
Kansas Department of Health and Environment

February 25, 2021

The Kansas Department of Health and Environment (KDHE) is pleased to provide testimony in support of SB 261 which proposes changes to the Asbestos Control Act. Specifically, this bill would redirect all generated revenue for the Asbestos Program to the Asbestos Remediation Fund that was created as a proviso in Senate Bill 66 during the 2020 legislative session. This bill permanently establishes the Asbestos Remediation Fund and allows the revenues generated in the Asbestos Program to be utilized by the program to perform their duties for the Asbestos Control Act. The language of the proviso is provided below:

*Asbestos remediation fund.....No limit
Provided, That, notwithstanding the provisions of K.S.A. 65-5309, and
amendments thereto, or any other statute, all fees or other moneys
collected by the above agency during fiscal year 2021 related to asbestos
remediation, as certified by the secretary of health and environment, shall
be credited to the asbestos remediation fund.*

The Asbestos Program was established in accordance with Kansas asbestos statutes passed in 1985 in response to concerns about asbestos abatement. The program works to eliminate poor abatement practices through a combination of business licensing, abatement plan approvals, job site inspections, and if necessary, enforcement.

The Kansas asbestos statutes authorize KDHE to collect fees to fund the program, thereby removing the fiscal burden from Kansas taxpayers and placing it on those that actively use the program. The program budget needs are approximately \$110,000 per year.

In the years prior to the proviso in SB 66, the program received \$86,355 annual funding from the state general fund. The program was required to supplement the funding shortage by using money from the Air Quality Fee Fund. The Asbestos Program collects approximately \$110,000 annually but those fees were deposited in the state general fund prior to the proviso. In fiscal year 2021, the Asbestos Program could retain the fees and the program no longer needed Air Quality Fee Fund resources to implement the program.

This bill permanently establishes the Asbestos Remediation Fund and allows the revenues to remain with the Asbestos Program. KDHE would no longer need Air Quality Fee Funds to implement the Asbestos Program.

Thank you for allowing me to explain the benefits of this bill. I will be happy to stand for any questions.