

**Testimony on Senate Bill 169
Senate Utilities Committee**

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Good Afternoon Chairman Masterson and Members of the Committee. I am Jaime Gaggero, the Bureau of Water Director with the Kansas Department of Health and Environment (KDHE). I appreciate the opportunity to provide testimony in support of a legislative initiative brought forward by my bureau.

The bill contains 2 statutory changes concerning operator certification fees and deposition such fees from the State General Fund (SGF) to the Water Program Management Fund established under K.S.A. 65-166(b).

K.S.A. 65-5413 establishes a fee limit of \$25.00. This ceiling was established in 1975 and has not been increased since adoption. This bill raising the ceiling and would allow KDHE the flexibility to increase operator certification fees of up to \$125.00.

K.S.A. 65-4514 requires deposition of operator certification fees into the SGF. This bill would direct fees to the Water Program Management Fund. The Operator Certification program fees generate approximately \$50,000 annually, however, the program receives no funding from SGF and is subsidized by Federal grants and the State Revolving Fund program for operational support.

The Operator Certification Program does just what the program title suggests, it certifies operators of drinking water and wastewater systems in Kansas. Certification and continuing education is critical to successfully operating drinking water and wastewater facilities in Kansas. Successful operation of such facilities ensures safe drinking water, minimizes pollution, ensures compliance with federal and state laws and can save communities fiscal resources through efficiency. Currently the program oversees approximately 4,000 water and wastewater operators.

The Operator Certification Program has an Advisory Committee, established in statute. The Advisory Committee provides guidance on approaches to improve the program. KDHE worked with the Committee to develop new regulations. Two major recommended changes to the regulations include operator classifications that separate surface water and ground water and establish mandatory classroom training to be completed prior to taking an exam. These two changes will significantly increase the workload for KDHE staff.

This bill raises the fee ceiling to \$125. The fee increases currently being considered by the department will be phased in over a three-year period and the goal is to generate approximately \$240,000.00 annually at the end of the three-year period. In addition, the redirecting of SGF to the Water Program Management Fund will generate approximately \$50,000 in revenue. This increased revenue will partially support additional staffing and support

training offered by 3rd party vendors proposed under new regulations and allow will KDHE to ensure a sustainable Operator Certification Program now and into the future.

During 2018, KDHE consulted with a Legislative Advisory Workgroup comprised of: Kansas Rural Water Association, Kansas Municipal Utilities, League of Kansas Municipalities, Kansas Section of the American Waterworks Association, the City of Wichita, and WaterOne of Johnson County. The proposal you have before you today is based on the input and advice KDHE received from the Workgroup.

I thank you for the opportunity to present SB 169 and will be happy to answer any questions you may have regarding this very important program.