

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE.

The meeting was called to order by Chairperson Senator Nancey Harrington at 10:30 a.m. on February 6, 2002 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Russell Mills, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Theresa Kiernan, Office of the Revisor  
Nikki Kraus, Committee Secretary

Conferees appearing before the committee:

\_\_\_\_\_ Gale Haag, Fire Marshal for the State of Kansas  
Jack Taylor, Emporia Fire Chief  
\_\_\_\_\_ Roger Rife, Hays Fire Chief  
John Lloyd, Wellington Fire Chief  
Mary Jane Stattelman, Kansas Grain and Feed Association  
Sandy Jacquot, League of Kansas Municipalities  
L.J. Leatherman, Kansas Trial Lawyers Association  
\_\_\_\_\_ Pat Michealis, Kansas State Historical Society, Archivist  
Marc Galbraith, Kansas State Library, Research and Information Services

Others attending: Please see attached

Chairperson Harrington opened the meeting by asking for bill introductions. Helen Pedigo, Deputy Counsel/Legislative Advisor, Governor's Office, asked the committee for the introduction of a bill concerning emergency medical service. Senator Vratil made a motion to introduce, and Senator Teichman seconded that motion. The motion passed.

Chairperson Harrington told the committee that she was planning to keep the bills the Adjutant General had introduced previously to Federal and State Affairs all together for future scheduling.

Chairperson Harrington opened the hearing on:

**SB 376—State Fire Marshal hazardous materials response program**

Chairperson Harrington directed the committee to look at the fiscal note for **SB 376. (Attachment 1)**

Mr. Gale Haag, Fire Marshal for the State of Kansas, presented testimony in favor of the bill. **(Attachment 2)** He also presented a letter from Jim Clark, Assistant Attorney General. **(Attachment 3)** Mr. Haag presented the committee with a copy of K.A.R. 22-24-1 Definitions. **(Attachment 4)** Mr. Haag presented the committee with a map of the state of Kansas entitled, "Response regions as proposed by the Hazardous Materials Advisory Committee." **(Attachment 5)** Mr. Haag concluded by presenting the committee with a list of the Advisory Committee Members. **(Attachment 6)**

In response to a question from Senator Brungardt, Mr. Haag stated that he was in support of the Legislature trying to help, but he was opposed to the bill itself. Senator Brungardt asked the committee what the origin of the bill was, and Theresa Kiernan responded that it was introduced in the Joint Committee on Rules and Regs; she stated that she would guess that Rules and Regs was trying to provide some guidelines within their delegation of power. Senator O'Connor stated that new section four would be changing current law. Mr. Haag stated that it is contrary to current law. Senator O'Connor asked what the reasoning behind that changes was; Theresa Kiernan responded that she would try to find out.

Jack Taylor, Emporia Fire Chief, presented testimony in opposition to the bill. **(Attachment 7)**

## CONTINUATION SHEET

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In response to a question from Senator Vratil, Mr. Taylor stated that the fire departments would like to be able to rely on the state. Senator Vratil asked Mr. Taylor if mutual aid responders went to another county, that county would be held liable, and Mr. Taylor said no. Following further discussion by Senator Vratil, Mr. Taylor stated that it would be impractical for the State Fire Marshal to be the command center for first responder dispatches, Theresa Kiernan stated that section 2 gives the fire marshal certain guidelines on what kind of rules and regulations to adopt. She stated that it validates those rules and regs and comes as a result of the broad delegation of power. Ms. Kiernan clarified with Mr. Taylor that the bill states that the state would not be liable for workers' liability, but the city would. Mr. Taylor stated that he wanted the state to help out with liability as they would with a full-time employee. Ms. Kiernan asked Mr. Taylor if he responds under the adjutant general's request for emergency response, and Mr. Taylor stated that he did not know.

Senator Barnett stated that this seemed like a valid concern because if there was a catastrophic event, there would be a need for volunteer help. Senator Gooch asked if the bill does not move forward or did not exist, what would happen. Chairperson Harrington stated that the committee needed to move on to hear the rest of the testimony and then ask the question again about the bill.

Roger Rife, Hays Fire Chief, presented testimony in opposition to the bill. **(Attachment 8)**

John Lloyd, Kansas State Association of Fire Chiefs, Wellington Fire Chief, presented testimony in opposition to the bill. **(Attachment 9)**

Mary Jane Stattelmann, Kansas Grain and Feed Association, presented testimony in opposition to the bill. **(Attachment 10)**

Sandy Jacquot, League of Kansas Municipalities, presented testimony in opposition to the bill. **(Attachment 11)**

L.J. Leatherman, Kansas Trial Lawyers Association, presented testimony in opposition to the bill. **(Attachment 12)**

Chairperson Harrington drew the committee's attention to written testimony in opposition to the bill from Michael Selves, Director, Johnson County Emergency Management **(Attachment 13)** and Gary Curmode, Sedgwick County Fire Chief. **(Attachment 14)**

Chairperson Harrington opened the hearing on:

### **SB 380—Printed materials of state agencies**

Theresa Kiernan provided the committee with a brief explanation of the bill. In response to a question from Senator Teichman, Ms. Kiernan stated that Legislative Services would maintain a current listing of information available to Legislators on-line so that they would know what was available to them.

Pat Michealis, Kansas State Historical Society, Archivist, presented neutral testimony requesting the committee to consider delaying the bill. **(Attachment 15)**

Marc Galbraith, Kansas State Library, presented neutral testimony also requesting the committee to consider delaying the bill. **(Attachment 16)**

Chairperson Harrington asked the committee for questions, and there were none. Chairperson Harrington asked the committee what its recommendation would be concerning the bill. Senator Teichman stated that she thought it would be best for the committee to wait for the task force to look at it. Senator Vratil stated that he wondered if the State Historical Society would mind taking on responsibility for bringing up the topic again next year and the committee could rely on the Society to reintroduce the bill following an opportunity to review it.

Ms. Michaelis stated that the State Historical Society accepted that responsibility. Senator Vratil stated that he would like the minutes to reflect that they have accepted responsibility, and the committee will hold them responsible.

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Senator Brungardt stated that, concerning **SB 376**, he would like to know if Rules and Regs can handle the requirements. Ms. Kiernan stated that there is an interest in a legal defense by the state, not necessarily the state picking up the liability. Helen Pedigo stated that the concept, as she understands the law, of a regional Hazmat team dealing in various counties indicated that if there are volunteers from one county into another county, they want to be covered. Ms. Kiernan stated that the committee can clarify the bill if that is what it wishes to do. Ms. Pedigo stated that one option might be to confine the reservation in the bill or another option might be to not deal with the bill.

Senator O'Connor stated that she still had a great deal of questions and concerns about the bill. She stated that she is not prepared to work the bill and would request working it on another day.

Russell Mills stated that several chiefs have told him that they will not continue the process of their contracts as long as this bill is open. Chairperson Harrington stated that Senator O'Connor may have to vote against the bill if she was not comfortable.

Senator Brungardt made a motion to recommend the bill be not passed. Senator Vratil seconded the motion. The motion passed.

The meeting was adjourned at 12:00 p.m.