

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairman Vickrey at 3:30 p.m. on February 11, 2003 in Room 519-S of the Capitol.

All members were present except: Rep. Yonally

Committee staff present: Mike Heim, Legislative Research Department  
Kathie Sparks, Legislative Research Department  
Theresa Kiernan, Office of the Revisor of Statutes  
Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

Rep. Mike O'Neal  
Meryl Dye City of Hutchinson  
Karl McNorton Office of the Kansas State Fire Marshall  
Rep. Kassebaum  
Dan Harden Kansas County Highway Association  
Mike Graf Public Works, Ellis County  
Carissa McKenzie Resident, Wabaunsee County  
\*Florence Whitebread County Commission, Geary County  
\*Judy Moler Kansas Association of Counties  
\*written testimony only

Others attending: See attached list

Chairman Vickrey opened the hearing on:

**HB 2201 fire and fire protection; investigations of fires and explosions**

Rep. O'Neal appeared as a proponent of the bill. He provided no written testimony. He stated that this bill was introduced by him at the request of the City of Hutchinson. He said this is enabling legislation that would allow a retired individual to do fire inspections.

Meryl Dye, Special Assist. to the City Manager, City of Hutchinson, testified in support of the bill (Attachment 2). She stated that they support enabling legislation that would allow local Fire Chiefs to designate any other qualified person to make investigations deemed necessary of any fire or explosion, or an attempt to cause any fire or explosion if there is reason to believe that the fire was of an incendiary origin or was an attempt to defraud an insurance company. She said they support legislation that would include the power of such persons designated by the local Fire Chief to enter buildings, to make criminal complaints, to issue cease and desist orders, and would also bestow specific police powers to such person to arrest and to conduct searches.

Karl W. McNorton, Director, Fire Prevention Division, Office of the Kansas State Fire Marshall, testified in support of the bill (Attachment 3) and suggested amendments. He stated that if the bill is aimed at utilizing retired fire investigators, it should add language to the effect that a chief could appoint a person no longer a

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fire department member but whose KSFMO fire investigator certification was in good standing at the time of termination from a department.

There were no opponents to the bill.

The Chairman closed the hearing on **HB 2201**.

Chairman Vickrey opened the hearing on:

**HB 2086 county roads; opening; minimum road bed and drainage standards**

Rep. Kassebaum appeared as a proponent of the bill (Attachment 4). He said the bill would place the burden on landowners wanting certain county roads opened in the same way current law does in regard to landowners and township roads. He stated that if the townships have the ability to require the requesting party to pay for the road cost then a county should have that same luxury.

Dan Harden, County Engineer, Riley County, testified in support of the bill on behalf of the Kansas County Highway Association (Attachment 5). He stated that they support the bill because it gets county and township governments out of the business of subsidizing private development. He said the bill requires those that create the need for additional public roads stand the cost of creating those roads.

Mike Graf, Public Works Administrator, Ellis County, appeared as a proponent of the bill (Attachment 6). He summarized that though the bill establishes that the initial cost may be the responsibility of the requesting party, the townships and counties must still bear the long-term cost for maintenance. He explained the bill also preserves the compensation requirements for the affected owners of materials needed for the opened roads.

Written testimony in support of the bill was received from:

- Florence Whitebread, County Commissioner, Geary County(Attachment 7)
- Judy Moler, General Counsel/Legislative Services Director, Kansas Association of Counties (Attachment 8)

Carissa McKenzie, Resident, Wabaunsee County, appeared as an opponent of the bill. Written testimony was not presented at the hearing. She stated that landowners have a common-law right to reasonable access to their land. She urged the committee to kill the bill.

The Chairman closed the hearing on **HB 2086**.

**HB 2045 certain road and highway projects; relocation of water lines**

A written response from Randall Allen, Executive Director, Kansas Association of Counties concerning utility permits for work in county rights of way was distributed to committee members (Attachment 1).

A balloon amendment was also distributed (Attachment 9).

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Rep. Larry Campbell made a motion to amend the bill as per the balloon amendment (Attachment 9). Rep. Reitz seconded the motion. The motion carried.

Rep. Peterson made a motion for passage of **HB 2045** as amended. Rep. Horst seconded the motion. The motion carried.

Minutes of the January 21, 2003 meeting had been distributed prior to the meeting with a note that without objection, they would be approved February 11, 2003.

The meeting was adjourned by the Chairman at 4:30 p.m.

Next meeting is scheduled for February 13, 2003.