

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on February 6, 2002 in Room 245-N of the Capitol.

All members were present except: Senator Gilstrap - excused
Senator O'Connor - excused

Committee staff present: Ken Wilke, Revisor of Statutes
Mike Heim, Legislative Research
Dennis Hodgins, Legislative Research
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee: Becky Gilmore-Davis, Register of Deeds, Johnson County
Senator Jay Emler
Tom Whitaker, Executive Director, KS Motor Carriers Assn.
Wendy Harms, Associate Director, KS Aggregate Producers' Association

Others attending: See attached list.

Introduction of bills

Senator Jackson on behalf of the State Fire Marshal, requested a conceptual introduction of a bill allowing compensation to volunteer firefighters. Senator Jackson made a motion the Committee introduce the proposed legislation, seconded by Senator Clark. The motion carried.

Becky Gilmore-Davis, Register of Deeds, Johnson County, requested the introduction of a bill relating to registers of deeds; establishing a technology fund. Senator Brownlee made a motion the Committee introduce the proposed legislation, seconded by Senator Clark. The motion carried.

Hearing on SB 423 - County roads; closing or limiting the use of

Senator Emler appeared on behalf of John Klenda, McPherson County Counselor, with said testimony in support of SB 423 (Attachment 1).

There being no others to testify as proponents on SB 423 the Committee heard from the opposition.

The Chair recognized Tom Whitaker, Executive Director, Kansas Motor Carriers Association who presented testimony in opposition to SB 423 (Attachment 2).

Wendy Harms, Associate Director, Kansas Aggregate Producers' Association, appeared before the Committee in opposition of the bill (Attachment 3).

Adjournment

The meeting adjourned at 2:05 p.m.



LAW OFFICES
KARSTETTER & KLEND A, L.L.C.

TIM R. KARSTETTER
JOHN B. KLEND A

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February 1, 2002

Senator Jay Emler
State Capitol
Room 128 South
Topeka, KS 66612

RE: Senate Bill No. 423

Dear Senator Emler:

Thank you for giving me the opportunity to submit my written testimony in support of Senate Bill No. 423. As you are aware, McPherson County is the home of the National Cooperative Refinery Association. Since the events of September 11, 2001 the Refinery and the County have been concerned about protecting the Refinery from any intentional acts that would endanger the facility or personnel.

The Refinery is unique in that a public road known as Iron Horse Road runs directly through the Refinery. It is necessary to keep the road open for public use, but the County needs the ability to deny access or to otherwise limit the use of this road to only certain individuals i.e. farmers and refinery personnel. Because of the unique layout of this road and the natural restrictions of K-61, it is necessary to keep this road open for farmers and other operators to move large equipment through the County in this area. Therefore, the road cannot be completely closed.

It would be helpful to have specific language such as that provided for in Senate Bill 423 allowing County Commissioners to close, deny access or to otherwise limit the use of roads when it is necessary to protect the health, safety or welfare of the general public. As we have seen from the events of September 11, 2001 that ability needs to be readily available and easily implemented. It appears that Senate Bill 423 would allow the flexibility that county commissioners need to accomplish that purpose.

Senate Elec & Loc Gov
02-06-02
Attachment 1

Thank you for your time and consideration regarding this Bill.

Sincerely,

John B. Klenda
John B. Klenda
McPherson County Counselor

JBK:lr

Subscribed and sworn to before me this 1st day of February, 2002 by John B. Klenda.



Linda Reese

Notary Public

My appointment expires: July 6, 2005



KANSAS MOTOR CARRIERS ASSOCIATION

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TOM WHITAKER
Executive Director

Legislative Testimony by the Kansas Motor Carriers Association

In Opposition to Senate Bill No. 423

Presented before the Senate Elections & Local Government Committee

Senator Barbara Allen, Chairman
Wednesday, February 6, 2002 Statehouse, Topeka, Kansas

MADAM CHAIRMAN AND MEMBERS OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE:

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear here this afternoon representing our 1,400 member firms and the Kansas trucking and transportation industry.

The Kansas Motor Carriers Association opposes Senate Bill No. 423 as the bill is before you today. The language is Section 1, paragraph (a) allows the board of county commissioners to close, deny access to or otherwise limit the use of roads and highways under the county's jurisdiction whenever it is necessary in order to protect the health, safety or welfare of the public.

We understand this bill is in response to the tragic events of September 11, 2001. KMCA believes the language in the bill is too broad and allows county commissioners too much discretion. KMCA believes the bill should be amended to reflect that the road closing should be in response to a national or state declared emergency or security alert.

With such clarification, KMCA would support SB 423. We thank you for the opportunity to appear today, and would be pleased to respond to any questions you may have.

*Senate Elec & Loc Gov
02-06-02
Attachment 2*

KAPA

Kansas Aggregate
Producers' Association

Edward R. Moses
Managing Director

**Testimony before the Senate Elections & Local Government Committee
Regarding Senate Bill 423
Kansas Aggregate Producers' Association - February 6, 2002**

Good Afternoon Madam Chair and Members of the Committee:

My name is Wendy Harms, Associate Director of the Kansas Aggregate Producers' Association. The Kansas Aggregate Producers' Association (KAPA) is an industry wide trade association comprised of over 250 members located in all 165 legislative districts in this state, providing basic building materials to all Kansans.

I am here today to provide you with our comments in opposition of SB 423. Our opposition to SB 423 is rooted in the very basic Jeffersonian philosophy of limited government, which states, "that which governs the least governs best." In other words, government should only exercise those powers that are necessary to provide for the public welfare.

We understand the purpose of SB 423 is to provide a county commission with the authority to close roads in the event of emergencies similar to September 11, 2001. While we empathize with this intent we think the bill in its current form is way too broad in construction. We would suggest an amended bill providing for road closing in the event of a declared national or state emergency.

In closing, we urge the committee to carefully consider the merits of this bill, the related issues and to develop a strong policy statement with respect to counties ability to close roads. Our industry, which depends upon open roads, has encountered very arbitrary and capricious closings in the past. Thank you for the opportunity to present these comments.

Senate Elec & Loc Gov
02-06-02
Attachment 3