

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 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

CONTINUATION SHEET

MINUTES OF THE AAA at TIME on February 11, 2003 in Room 519-S of the Capitol.

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).

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.

HOUSE LOCAL GOVERNMENT

DATE 2-11-03

NAME	REPRESENTING
DAN HARDEN	RILEY COUNTY
Rod Meredith	Kansas County Highway Association
Vernon Berens	Ellis County Commissioner
MIKE GRAF	ELLIS COUNTY & KANSAS COUNTY HIGHWAY ASSOC.
CARISSA MCKENZIE	Wabaunsee County Landowner
Karl McNonon	Kansas Fire Marshal Dept



KANSAS
ASSOCIATION OF
COUNTIES

To: House Local Government Committee
From: Randall Allen, KAC Executive Director *Randall Allen*
Subject: Utility permits for work in county rights of way
Date: January 30, 2003

At the hearing on HB 2045 last Tuesday, Rep. Campbell asked for information about how counties handle requests for utilities to use counties' rights of way. Dan Harden, Riley County Public Works Director and Chair of the Legislative Committee of the Kansas County Highway Association (KCHA) has written a description of the typical procedure for issuing a "Highway Use Permit". In a quick poll of county public works departments, I have learned that a similar system is used in several other counties, including but not limited to: Johnson, Leavenworth, Douglas, Miami, Coffey, and Lyon. I hope this information is helpful. Please let Judy Moler or me know if you have any other questions.

Attachment (1)

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House Local Government
Date: 2-11-2003
Attachment # 1

Memo

To: Randy Allen

From: Dan Harden

Subject: Utilities in county road right of way

Date: 29 January 2003

In the early 1900's the Kansas Supreme Court decreed public utilities can be placed in public road right of way under conditions established by the governing body having jurisdiction over the right of way. As a result several Kansas counties issue highway use permits similar to the permits issued by the Kansas Department of Transportation on state highway right of way. The fact a utility is publicly owned or investor owned makes no difference.

The usual circumstance is the utility requests permission from the county commission to use the county road right of way to locate a utility. The request is accompanied by a plan drawing detailing the location of the utility in the public road right of way.

The county commissioners then approve a highway use permit. The permits usually include a time by which the utility construction work in the public road right of way will be completed. There is usually a requirement that the utility post a bond that will be cashed only in the event the public road right of way is not left in a serviceable condition after the utility

construction is completed. This means the right of way must be cleaned up and any grass that was destroyed must be replanted.

The utility is either allowed or not allowed to obstruct traffic on the public road during the construction work. This requirement will vary from permit to permit.

The utility is made responsible for traffic control when traffic is carried thru the work. The utility is put on notice that it must, as a condition of the permit, at its own expense, relocate the utility in the event the county makes improvements to the road that conflict with the utility location in the right of way.

As a result of the use of highway use permits on public roads, utilities often try to locate their utilities on a private easement adjacent to the road right of way. When the utility is so located and the county road is widened, causing a utility conflict, the county then is required to pay for moving the utility from what previously had been a private easement.



P.O. Box 1567 / Hutchinson, KS 67501-1567

Telephone:

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CITY
MANAGER

TESTIMONY OF THE CITY OF HUTCHINSON, KANSAS
BEFORE THE KANSAS HOUSE OF REPRESENTATIVES
COMMITTEE ON LOCAL GOVERNMENT
(H.B. 2201)

FEBRUARY 11, 2003

The City of Hutchinson supports the concept of home rule authority. Home rule authority is the right for a community to govern itself.

We 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.

Further, we 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.

Presented by:

Meryl Dye, Special Assistant to the City Manager
meryld@hutchgov.com

House Local Government
Date: 2-11-2003
Attachment # 2



recycled and recyclable

City Hall Fax 620-694-2673
Central Purchasing Fax 620-694-1971
Fire Fax 620-694-2875

Flood / Refuse Fax 620-694-2650
Inspection Fax 620-694-2691
Municipal Court Fax 620-694-2858

Police Fax 620-694-2859
Public Works Fax 620-694-1980
Waste Water Plant Fax 620-694-2604



OFFICE OF THE

KANSAS STATE FIRE MARSHAL

Gale Haag
Fire Marshal

700 SW JACKSON ST, SUITE 600, TOPEKA, KS 66603-3714
PHONE (785) 296-3401 / FAX (785) 296-0151

Kathleen Sebelius
Governor

The Kansas State Fire Marshal's Office
Testimony on **HB 2201**

Presented to the House Local Government Committee, February 11, 2003
Karl W. McNorton, Director, Fire Prevention Division

1. HB 2001 amends K.S.A. 31-137 by allowing a fire chief to designate someone other than a member of the fire department to conduct fire investigations (lines 15 - 18).
2. The good news is that the bill would allow a department to use a retired fire investigator, who is no longer a member of a department, hence saving training costs.
3. The bad news is that such non-department investigators need not be retired or otherwise certified as fire investigators, or even trained in fire investigation. The current statute limits investigators to members of a fire department, and, while there is no minimum training standard for membership in a volunteer fire department, there is an assumption that a member of a department has sufficient training as well as a genuine interest in determining the origin of a fire. Without a definition of "qualified", there is the danger that the new language may lead to investigations by unqualified or unconcerned investigators.
4. The Kansas State Fire Marshal's Office has worked diligently over the years to upgrade the quality of fire investigations. K.S.A. 31-157 provides for certification of fire investigators, which limits them to paid members of a fire department. The statute is also the authority for regulations by which the KSFMO certifies, recertifies and, occasionally, de-certifies fire investigators, KAR 22-19-1 - 22-19-5. A non-department member fire investigator created by this bill could not be certified, hence could not have certification revoked or suspended under KAR 22-19-4a, and would not have to file reports of investigations under KAR 22-19-5.
5. 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 fire department member but whose KSFMO fire investigator certification was in good standing at the time of termination from a department.

House Local Government
Date: 2-11-2003
Attachment # 3

"Where fire safety is a way of life."

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31-157

Chapter 31.--FIRE PROTECTION Article 1.--FIRE SAFETY AND PREVENTION

31-157. Fire marshal deputies and investigatory personnel; law enforcement powers, when; training required, exceptions. (a) The state fire marshal, the state fire marshal's deputies and full-time fire prevention personnel assigned investigation duties who are members of a paid fire department who have been certified by the state fire marshal pursuant to this section shall have the authority to make arrests, carry firearms and conduct searches and seizures while investigating any fire or explosion in which arson or attempted arson is suspected or in which there is an attempt or suspected attempt to defraud an insurance company. Any affidavits necessary to authorize arrests, searches or seizures pursuant to this section shall be made in accordance with K.S.A. 22-2302 and 22-2502, and amendments thereto.

(b) The state fire marshal, with the assistance of an advisory committee appointed pursuant to K.S.A. 31-135 and amendments thereto, shall adopt rules and regulations and specify the number of investigators for departments or areas and establish standards for certification of members of fire departments to make arrests, carry firearms and conduct searches and seizures pursuant to this section. No fire department personnel shall be certified to carry firearms under the provisions of this act without having first successfully completed the firearm training course or courses prescribed for law enforcement officers under K.S.A. 74-5604[*], and amendments thereto.

(c) With the exception of firearms training, nothing in this section shall be construed to require persons employed prior to the effective date of this act to comply with the standards established by the state fire marshal pursuant to this section as a condition of continued employment, and such persons' failure to comply with such standards shall not make such persons ineligible for any promotional examination for which they are otherwise eligible or affect in any way any pension rights to which they are entitled on the effective date of this act.

History: L. 1982, ch. 135, § 1; July 1.

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K.A.R. 22-19-1

Kan. Admin. Regs. 22-19-1

KANSAS ADMINISTRATIVE REGULATIONS
AGENCY 22. STATE FIRE MARSHAL
ARTICLE 19.--CERTIFICATION OF **FIRE INVESTIGATORS**
Current with rules/regulations filed before January 1, 2001

22-19-1 Fire investigation and reporting.

(a) All necessary and appropriate investigations of every fire or explosion or any attempt to cause a fire or explosion in this state by incendiary means or to defraud any insurance company shall be made by the state fire marshal, deputy state fire marshals, the chief of any paid or volunteer fire department, or any member of a fire department who has been duly designated by the chief, and the investigation shall be reported to the state fire marshal's office.

(b) Each person certified as a **fire investigator** I or II may conduct investigations that occur within the jurisdictional boundaries of the employing **fire** department or within the boundaries of any department with which the employing district has a statutorily authorized mutual aid, interlocal, or other contractual agreement concerning **fire** matters. Any investigation by a certified **fire investigator** I or II anywhere within the state may be authorized by the state **fire** marshal.

(Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999.)

KS ADC 22-19-1

END OF DOCUMENT

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K.A.R. 22-19-2

Kan. Admin. Regs. 22-19-2

KANSAS ADMINISTRATIVE REGULATIONS
AGENCY 22. STATE FIRE MARSHAL
ARTICLE 19.--CERTIFICATION OF **FIRE INVESTIGATORS**
Current with rules/regulations filed before January 1, 2001

22-19-2 Certification of **fire investigators**.

(a) Each **fire investigator** who makes application and who meets and demonstrates the following criteria may be certified by the state **fire marshal**:

(1) Each applicant for **fire investigator** certification shall be recommended by the **fire chief** of the jurisdiction.

(2) Each applicant shall provide proof of successful completion of a **fire investigation** course, within the past five calendar years, that meets or exceeds the "standard for professional qualifications for **fire investigator**" established by the national **fire protection association** in publication number 1033, 1998 edition, adopted by reference, and all law enforcement training required under K.S.A. 74-5602 et seq., and amendments thereto, and applicable regulations. Each applicant for **fire investigator II** certification shall also successfully complete a firearms training course approved for law enforcement officers and shall be employed full-time by a **fire department** or law enforcement agency. An applicant for **fire investigator I** shall not be required to have firearms training or fulltime status.

(3) Each applicant who has not completed a nationally recognized training course may be certified upon achievement of a score of not less than 70 percent correct on the fire investigation graded examination and upon presentation of all other requirements.

(4) Each applicant shall submit a completed KBI background investigation that demonstrates to the state fire marshal's satisfaction that the applicant has no criminal justice history or other disqualification for a law enforcement officer.

(b) Comparable qualifications from another state or jurisdiction may be recognized by the state fire marshal.

(c) Certification as a **fire investigator** shall be for a period of three years.

(d) Certification may be granted at two levels: **fire investigator I** or **fire investigator II**. **Fire investigator I** certification shall require the qualifications set out in paragraphs (a) (1) through (3) above. Qualification as a **fire investigator II** shall require, in addition to the requirements for **fire investigator I**, the successful completion of law enforcement firearms training and full-time employment as a paid member of a **fire department** or law enforcement agency.

(e) Any **fire department** or law enforcement agency may employ up to four certified **fire investigator II**'s. Upon written application demonstrating good cause, additional certified **fire investigator II**'s may be authorized by the state **fire marshal**. A **fire department** or law enforcement agency may employ any number of **fire investigator I**'s.

(Authorized by and implementing K.S.A. 31-157; effective, T-84-43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999.)

KS ADC 22-19-2

END OF DOCUMENT

3-4

K.A.R. 22-19-3

Kan. Admin. Regs. 22-19-3

KANSAS ADMINISTRATIVE REGULATIONS
AGENCY 22. STATE FIRE MARSHAL
ARTICLE 19.--CERTIFICATION OF FIRE INVESTIGATORS
Current with rules/regulations filed before January 1, 2001

22-19-3 Fire investigation recertification.

(a) Each individual shall apply for fire investigation recertification on a form approved by the state fire marshal. Each recertification application shall include the following:

- (1) A completed recertification form;
- (2) legible photostatic copies or originals of all documents establishing the points earned; and
- (3) a notarized statement of eligibility for recertification.

(b) Each recertification application shall be received by the state fire marshal's office no later than 60 days before the expiration of the present certification.

(c) Recertification shall require the accumulation and documentation of at least 50 points in the three-year period following certification as follows:

(1) Training points shall be earned at the rate of one point for every clock hour of department approved training attended or taught, and 10 points shall be earned for every college-level course of three or more credit hours on which the applicant achieves a grade of "C" or higher if the course content directly relates to fire investigation skills. A minimum of 30 points shall be earned in this category, and a maximum of 40 points may be earned.

(2) Experience points shall be earned for performing fire scene investigation and reporting or for the supervision of fire scene investigation and reporting. Points shall be earned at the rate of one point per fire investigation performed or supervised. A minimum of 10 points shall be earned in this category, and a maximum of 20 points may be earned.

(3) Tested points may be earned through achievement of a score of at least 70 percent correct on a graded fire investigation examination. Meeting this standard shall be equivalent to 10 testing category points.

(d) Recertification points shall not be carried over from one recertification period into another. Fire investigators who are certified before the effective date of this regulation shall have up to two years to achieve recertification.

(Authorized by and implementing K.S.A. 31-157; effective, T-84- 43, Dec. 21, 1983; effective May 1, 1984; amended May 10, 1993; amended Aug. 27, 1999.)

KS ADC 22-19-3

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K.A.R. 22-19-4a

Kan. Admin. Regs. 22-19-4a

KANSAS ADMINISTRATIVE REGULATIONS
AGENCY 22. STATE FIRE MARSHAL
ARTICLE 19.--CERTIFICATION OF **FIRE INVESTIGATORS**
Current with rules/regulations filed before January 1, 2001

22-19-4a Revocation or suspension.

(a) Every certification or recertification granted by the state fire marshal may be revoked or suspended for good cause shown. For the purpose of this regulation, "good cause" shall include any of the following:

- (1) Misrepresentation of any information provided on an application, in a supporting document, or in any filed report;
 - (2) conviction or diversion for any felony criminal offense;
 - (3) failure to make timely, complete reports of all investigations to the state fire marshal's office; or
 - (4) failure to conduct an investigation in accord with nationally recognized methods and procedures.
- (b) An individual may appeal any suspension or revocation of a certification or recertification as provided for by the Kansas administrative procedure act.

(Authorized by and implementing K.S.A. 31-133 and 31-157; effective Aug. 27, 1999.)

KS ADC 22-19-4a

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K.A.R. 22-19-5

Kan. Admin. Regs. 22-19-5

KANSAS ADMINISTRATIVE REGULATIONS
AGENCY 22. STATE FIRE MARSHAL
ARTICLE 19.--CERTIFICATION OF **FIRE INVESTIGATORS**
Current with rules/regulations filed before January 1, 2001

22-19-5 Reports, filing with state firemarshal.

Each person certified as a **fire investigator** shall file a report of every **fire** investigation conducted by that certified **investigator** with the state **fire** marshal within 30 days. The report shall contain all information on the current report form used by the state fire marshal's deputies, including but not limited to name of owner, birthdate of owner, name of suspect, if any, birthdate of suspect, driver's license or other identification number of suspect, name of witnesses, birthdates of witnesses, driver's license or other identification of witnesses, name of insurance company, policy number and amount of insurance coverage. Supplements shall be filed indicating disposition of the case. Failure to file such reports shall be grounds for suspension or revocation of the certificate pursuant to K.A.R. 22-1-5.

(Authorized by K.S.A. 1992 Supp. 31-133; implementing K.S.A. 31-137; effective May 10, 1993.)

KS ADC 22-19-5

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3-7

STATE OF KANSAS

WILLIAM A. KASSEBAUM
REPRESENTATIVE, 68TH DISTRICT
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BURDICK, KANSAS 66838
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HOUSE OF
REPRESENTATIVES

MEMBER: COMMITTEE ASSIGNMENTS
AGRICULTURE
CORRECTIONS AND JUVENILE
JUSTICE
LOCAL GOVERNMENT
UTILITIES

OFFICE:
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February 11, 2003

Chairman Jene Vickrey and Members of the
House Local Government Committee

I am providing the following as written testimony in support of HB 2086 concerning the proposed amendment to K.S.A. 68-115.

Morris County has hundreds of platted and dedicated roadways on the books dating back to the 1880's. These roads have never been improved or opened for travel. In the last several years the County has received several demands under K.S.A. 68-115 to open some of these long forgotten platted roadways.

Presently, under 68-115, a County road unit County, such as Morris County, has a duty to open the road and pay for all the costs. But a Township road unit County, under 68-115(b), in a similar situation, could require the person requesting the road to be opened to pay the costs.

I do not see why a County road unit system should be treated differently than a Township road unit system in regards to the costs of building roads that have not been used for 20 years or greater. 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. In the interest of keeping the road and bridge laws of the State of Kansas uniform in the counties across the State, I ask you to please support HB 2086.

Respectfully submitted,

William A. Kassebaum
Representative 68th District

House Local Government
Date: 2-11-2003
Attachment # 4

Testimony of Dan Harden
Before the House Local Government Committee
Regarding House Bill 2086
11 February 2003

Representative Jene Vickrey
Chair

Representative Vickrey, and members of House Local Government; my name is Dan Harden. I am a registered professional engineer in Kansas. I have been employed since 1976 as the Riley County engineer. I am here today representing the Kansas County Highway Association to urge you to support the passage of House Bill 2086. The Association supports this bill because it gets county and township governments out of the business of subsidizing private development. This bill does this by requiring those that create the need for additional public roads stand the cost of creating those roads.

I suggest the word "state" be deleted from line 28 of the bill. I also suggest a new section (d) be written that applies to those situations where a township rather than the county government is involved.

Thank you for your time this afternoon and I again urge you to pass favorably out of committee House Bill 2086.

I stand for questions.

House Local Government
Date: 2-11-2003
Attachment # 5

TESTIMONY ON
HOUSE BILL # 2086
Committee on Local Government
Tuesday, February 11, 2003

Chairman Vickery, and members of the committee, thank you for the opportunity to testify before this committee. My name is Michael Graf, Public Works Administrator for Ellis County. My testimony should be considered in support of HB 2086 as it is currently drafted.

KSA 68-115, as it exists, addresses opening roads as they relate to townships, though some reference is made to county roads relative to townships roads. The limited modifications to Section 1, subsections (a) and (b), as proposed in HB 2086 do not substantially change the intent of the statute, and therefore provide for continuation of the practices established by KSA 68-115 for these roads, with some clarification.

Subsection (c) appropriately provides the extension of the practices established for townships to be extended to address county roads. Since 69 of the 105 Kansas counties, or almost two-thirds (2/3), have adopted a county road unit system, this would effectively provide the same methods for managing road opening requests of this nature for both township and county road systems. In many cases, these requests relate to land use changes that provide a specific benefit to the landowner, possibly monetary, which creates the issue of the county, or taxpayer at-large, funding the improvement for the direct benefit of the landowner.

House Local Government
Date: 2-11-2003
Attachment # 6

The inclusion of subsection (c) along with the clarifications to subsections (a) and (b), provide some protection for townships and counties from spending funds on roads that have not been needed or used, but have been requested by an adjoining property owner. Placing the initial cost on the requesting party will effectively limit frivolous or unnecessary requests that may have limited, if any, benefit to the general public.

In summary, though this 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. The bill also preserves the compensation requirements for the affected owners of materials needed for the opened roads. It would appear that all interests, both public and private, are protected as this bill is proposed.

Thank you again for this opportunity.

Michael Graf
Public Works Administrator
Ellis County
785-628-9455

6-2

**WILLIAM (BILL) DEPPISH
ELDON L. HOYLE
FLORENCE C. WHITEBREAD**

**REBECCA BOSSEMEYER
COUNTY CLERK**

**OFFICE OF COUNTY COMMISSIONERS
GEARY COUNTY
P.O. BOX 927
JUNCTION CITY, KANSAS 66441
Ph: 785-238-4300 Fax: 785-238-5419**



My name is Florence Whitebread, Commissioner from Geary County. I offer these comments for you to consider concerning HB 2086. Due to the extremely high costs of upgrading and constructing roads, the Geary County Commissioners feel it is in the best interest of the taxpayers, to keep the costs down of upgrading old, unused county roads that have never been vacated with the landowner. Certainly with a 20 year window on past maintenance this is very fair.

Counties are strapped for dollars now and we feel it is very unfair to tax county citizens for roads which will most likely have little travel usage, except for the landowner. I urge you to give consideration to HB 2086 and report favorably for passage.

Thank you.

House Local Government
Date: 2-11-2003
Attachment # 7



KANSAS
ASSOCIATION OF
COUNTIES

WRITTEN TESTIMONY
Before the House Local Government Committee
HB 2086

February 11, 2003

By Judy A. Moler, General Counsel/Legislative Services Director

Thank you Chairman Vickery and Members of the House Local Government Committee for allowing the Kansas Association of Counties to provide written testimony on HB 2086.

The Kansas Association of Counties supports HB 2086. This bill is a good bill for county government and county taxpayers as it creates an opportunity for disallowing the subsidizing of a private development. However, it would allow for the county to open and maintain a road if it were in the best public policy.

The Kansas Association of Counties supports the passage of HB 2086.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randy Allen or Judy Moler by calling (785) 272-2585.

House Local Government
Date: 2-11-2003
Attachment # 8

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HOUSE BILL No. 2045

By Committee on Local Government

1-23

Balloon
Amendment

House Local Government
Date: 2-11-2003
Attachment # 9

9 AN ACT concerning certain road and highway projects; relating to the
10 relocation of water lines.

11 *As it enacted by the Legislature of the State of Kansas:*

12 Section 1. Any rural water district created under the provisions of
13 K.S.A. 82a-612 et seq., and amendments thereto, which, after excluding
14 such water lines that cross a highway, has 90% or more of its remaining
15 water lines on private ~~right-of-way~~ and is required by the board of county
16 commissioners to relocate such district's water lines: (1) Shall be reim-
17 bursed for such district's costs for relocating such water lines; or (2) if
18 the county relocates the district's water lines, such district shall not be
19 required to reimburse the county the costs for relocating such water lines.
20 The provisions of this section shall apply to all county road and highway
21 projects which are funded in whole or in part with state ~~or federal~~ money ✓
22 ~~including any projects currently in progress.~~ ✓

rights-of-way

which are ~~not~~ on private rights-of-way

23 Sec. 2. This act shall take effect and be in force from and after its
24 publication in the statute book.
25