

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 p.m. on March 4, 2004 in Room 519-S of the Capitol.

All members were present except:
Representative Tom Thull- excused

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

Conferees appearing before the committee:
Rep. Long-Mast, Kansas House
Pat Lehman, Kansas Fire Service Alliance

Others attending:
See Attached List.

Chairman Vickrey opened the hearing on:

SB 292 **purchase or installation of fire hydrants by fire districts**

Rep. Long-Mast testified in support of the bill (Attachment 1). She explained that the bill was born out of necessity because under current law, rural fire districts are not allowed to purchase fire hydrants. She said that the bill will help to make life a little safer, insurance rates a little lower, and things a lot easier for some people in the State of Kansas. Rep. Long-Mast informed that the bill will allow individual districts to purchase fire hydrants in areas that currently do not have them and thus allowing businesses and homes in the area lower insurance premiums by making water readily available in case a fire occurs.

Pat Lehman, Kansas Fire Service Alliance, testified in favor of the bill (Attachment 2). He said that the bill allows for the acquisition and installation of fire hydrants within the fire district. He explained that the bill is strictly permissive for all involved parties. Mr. Lehman stated that with more houses being built in rural areas that have their fire protection provided by rural fire departments, the greatest need in fighting fire is water. He said the need is growing for accessible water strategically located throughout the district.

Written testimony in support of the bill was received from Senator Jim Barnett (Attachment 3). He explained that the Attorney General office has issued two opinions that currently, rural fire district are not permitted to purchase fire hydrants in the State.

Written testimony in support of the bill was received from Bill Walker, Fire Chief of Coffey County Fire District # 1 (Attachment 4). He explained that a major change in our state has been in the rural areas, where citizens are building large, expensive homes and businesses, which are often located miles away from adequate fire emergency water supplies.

Written testimony in support of the bill was submitted by Elmer Ronnebaum, General Manager, Kansas Rural Water Association (Attachment 5). He said present law does not allow the fire districts or townships to reimburse public water systems for installations of fire hydrants. He said the bill does not require installations be made but in those cases where the public can benefit, then the customers of the water system should not, necessarily, be required to pay for the costs of the installations as people beyond the water system's customers will benefit. He explained that the bill does not preclude any water system or other beneficiary from paying for the installation.

There were no opponents to the bill.

The Chairman closed the hearing on: **SB 292**

CONTINUATION SHEET

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE at 3:30 p.m. on March 4, 2004 in Room 519-S of the Capitol.

SB 292 **purchase or installation of fire hydrants by fire districts**

Rep. Campbell made the motion for the favorable passage of SB 292 and recommended that because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar. Rep. Lane seconded the motion. The motion carried.

Minutes

Rep. Yonally made the motion to approve the minutes of the February 24, 2004 meeting. Rep. Toelkes seconded the motion. The motion carried.

The meeting was adjourned.

The next meeting is scheduled for March 9, 2004.



TOPEKA

HOUSE OF
REPRESENTATIVES

PEGGY LONG-MAST
REPRESENTATIVE, 76TH DISTRICT
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COMMITTEE ASSIGNMENTS
VICE-CHAIR: HEALTH & HUMAN
SERVICES
UTILITIES
JUDICIARY

TESTIMONY ON SB292
March 4, 2004

Thank you Mr. Chairman and members of the committee. We have already heard about the need to allow rural fire districts to purchase fire hydrants and you have already been gracious to pass out a House bill that is very similar to the one that you have before you. We need to get one bill or the other through the process and it is for that reason that I stand before you again and ask that you pass SB292 out of committee.

SB 292 was born out of necessity because under current law, rural fire districts are not allowed to purchase fire hydrants. This bill will help to make life a little safer, insurance rates a little lower, and things a lot easier for some people in the State of Kansas. It merely allows fire districts that have the funds and have consensual agreement with the rural water district, to purchase the fire hydrants. The water district will then install them and maintenance will be done by agreement with both entities.

Under current statutes, the law does not allow fire districts to spend money on anything that is not deemed to be fire equipment and after appealing to the Attorney General's office twice, the only option seems to be to change the law. The Attorney General's office has interpreted the current law as not including fire hydrants as fire fighting equipment thus excluding hydrants from being something that fire districts can purchase.

SB 292 will allow individual districts to purchase fire hydrants in areas that currently do not have them and thus allowing businesses and homes in the area lower insurance premiums by making water readily available in case a fire occurs. Just recently, I read of an eighteen wheeler that burned while sitting outside of a restaurant at BETO Junction. This place does not have a fire hydrant, but it has two restaurants and lots of business twenty four hours a day.

This is a simple bill, but it is an important one. Again, I thank you for your time and I stand for questions.

House Local Government
Date: 3-04-04
Attachment # 1

**Testimony to the
House Local Government Committee
SB 292
Presented by Patrick T. Lehman
For the Kansas Fire Service Alliance
March 4, 2004**

Thank you Mister Chairman and members of the committee. I am Pat Lehman and I represent the Kansas Fire Service Alliance. The Alliance is made up of the Kansas State Firefighters Association, the Kansas State Fire Chiefs Association, and the Kansas State Professional Fire Chiefs Association. On behalf of the Alliance, I am speaking in favor of SB 292.

SB 292 is important for authorizing fire districts and townships to use resources to enhance their ability to fight fires effectively. In this case, it allows for the acquisition and installation of fire hydrants within the fire district. It is strictly permissive for all parties involved.

With more houses being built in rural areas that have fire protection from rural fire departments and the greatest need in fighting fires is water, the need is growing for accessible water strategically located throughout the district. SB 292 will allow two entities to work together to better serve the citizens in their area.

The Kansas Fire Service Alliance supports SB 292 and we urge the committee to pass the bill favorably. Thank you and I will be glad to address any questions or comments that the committee may have.

House Local Government
Date: 3-04-04
Attachment # 2

JIM BARNETT
 SENATOR, 17TH DISTRICT
 CHASE, COFFEY, GEARY, GREENWOOD
 LYON, MARION, MORRIS, OSAGE, AND
 WABAUNSEE COUNTIES



TOPEKA

SENATE CHAMBER

Testimony

Senate Bill 292

COMMITTEE ASSIGNMENTS
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 INSURANCE
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 HEALTH CARE STABILIZATION
 FUND OVERSIGHT

Chairman Vickrey and members of the House Local Government Committee, thank you for the opportunity to write in support of SB 292

Currently, rural fire districts are not permitted to purchase fire hydrants in the State of Kansas. Two previous Attorney General opinions have been obtained confirming this statement. Unfortunately, this places certain areas within our state at increased risk for loss of property and death due to an inability to adequately fight fires. BETO Junction in Coffey County represents such an example. This area involves two busy truck stops with retail businesses, numerous fuel tankers, and a motel within a concentrated rural setting. In the event of a fire, the ability of firefighters to adequately control and fight the fire is severely compromised.

SB 292 will allow rural fire districts to purchase fire hydrants as firefighting equipment and contract with rural water districts to obtain an adequate water supply.

I respectfully request your consideration and support of SB 292.

Signed:

Senator Jim Barnett

JAB/gkp

House Local Government
 Date: 3-04-04
 Attachment # 3

Wednesday, January 21, 2004

Fire at elderly care center kills three

The Associated Press

MARYVILLE, TENN. — Firefighters struggled in bitter cold to put out a fire that spread through a retirement home, killing three residents and injuring at least 12 other people.

The cause of the Tuesday night blaze at Home Away from Home Inc. had not been determined, Blount County Sheriff Jim Berrong said.

The privately owned facility had 15 residents living in a converted one-floor house and offered assisted and unassisted living. The home did not have emergency sprinklers, authorities said.

One resident died after being trapped in the home, sheriff's spokeswoman Marian O'Briant said today. Some of the injured were treated for smoke inhalation and burns, and one suffered a hip fracture. Three were in critical condition at Vanderbilt University Medical Center this morning.

Emergency workers helped residents from the facility shortly after 9 p.m. Tuesday as about a dozen ambulances converged on the ranch-style, brick building near Maryville, about 15 miles south of Knoxville.

A fire hydrant was not available so firefighters fashioned a makeshift pool by dumping truckloads of water, then used the pool as their main water source. With temperatures in the 20s, firefighters had to put salt in the water to keep it from freezing.

The fire took more than two hours to control. Most of the roof collapsed, and the brickwork and awnings were scorched.

The fire comes four months after a blaze at a four-story nursing

"We have not found anything to indicate a large explosion. Often aerosol cans will lead people to believe an explosion has occurred."

BOB POLLARD,
Tennessee fire marshal's office

home in Nashville killed 15 residents. That home, built in the 1960s, was exempt from state regulations requiring sprinklers. It wasn't clear if the home that burned Tuesday fell under a state sprinkler exemption for nursing homes that haven't been renovated since 1994.

O'Briant identified two of the victims of the fire as Molly Wright and Lucille Law. Their ages were not immediately available. The identity of the third person killed was withheld pending notification of relatives.

All the residents, the one employee on duty and a visitor have been accounted for, O'Briant said.

An official with Home Away from Home declined to comment today.

Bob Pollard, an agent for the state fire marshal's office in Nashville, said investigators resumed work at daybreak today trying to interview residents who are able to talk and going through the debris.

Some residents told authorities they were outside smoking when they heard a popping sound and then saw fire.

"We have not found anything to indicate a large explosion," Pollard said. "Often aerosol cans will lead people to believe an explosion has occurred."

**Written Testimony to the
House Local Government Committee
SB 292
Presented by Bill Walker
Fire Chief Coffey County Fire District #1
March 4, 2004**

Thank you Mister Chairman and members of the committee. My name is Bill Walker; I am Fire Chief of Coffey County Fire District #1. My testimony is for full support for **Senate Bill #292.**

Over the years, the fire service in Kansas, be it full time paid or part time volunteer services, has changed dramatically—from the early days of the “Good Ol’ Boys” system that could save the foundation to the highly skilled and trained professional fire departments that you see across Kansas today.

Another major change in our state has been in the rural areas, where citizens are building large, expensive homes and businesses, which are often located miles away from adequate fire emergency water supplies.

Along with the continuous rapid growth within our rural area is the growth in capability of the rural water districts to supply these residences and businesses with their day to day needs. These water districts often utilize large diameter water lines and high capacity storage towers to supply their customers. The water supplies are available but are often unusable by Fire Departments.

This has created the current circumstances we find ourselves in. As an example, on January 26, 2003, Coffey County Fire District #1 responded to a structure fire at a residence about 12 miles East of Burlington, Kansas.

The homeowner lost his residence and personal property to the fire, mainly because of an inadequate water supply within the general area for fire department use. No hydrants

House Local Government
Date: 3-04-04
Attachment # 4

within 12 miles, and any ponds that might have been in the area were frozen over and basically there was no water available.

Coffey County Rural Water District #3 had a water tower located about 1 mile from the fire scene, with **29,000 gallons of water available**, but without any fire hydrant connections.

I'm not saying that we would have saved that home and property with a water supply in the area, but I can assure you that the odds of doing so would have been greatly increased.

As I stated at the beginning, there have been many changes in the fire service, but there is always one thing that will stay the same. To put out a fire, you will always need **trained people, fire trucks and water.**

With the passage of **Senate Bill #292**, which is basically the simple addition of the phrase; *“The acquisition, installation or maintenance of any fire hydrant, or other similar device for fighting fires, shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the entity which owns, operates or maintains the water line on which the fire hydrant, or other similar device for fighting fires, is to be installed”*, to the existing **Statute KSA-19-3601a**, and with the cooperation between Rural Fire Districts and Rural Water Districts in Kansas, it will greatly enhance the Fire Service goals and objectives, which are to save lives and property by extinguishing the flames.

To enhance the capabilities of Fire Services and increase the protection of our citizens, I urge your support and passage of **Senate Bill #292.**

Thank you.

4-2



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COMMENTS ON SENATE BILL 292
BEFORE THE HOUSE COMMITTEE ON LOCAL GOVERNMENT
March 4, 2004

Mr. Chairman and Members of the Committee:

The Kansas Rural Water Association appreciates this opportunity to comment on Senate Bill 292. Kansas Rural Water provides training and technical assistance to municipal and rural water systems and has more than 700 city and rural water system members.

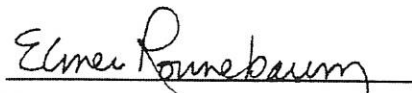
S 292 would allow fire districts and townships to pay for the installation of fire hydrants on public water systems. Present law does not allow the fire districts or townships to reimburse public water systems for such installations.

The most likely beneficiaries of this legislation will be rural water districts that are often requested to provide fill taps or hydrants. Senate Bill 292 does not require such installations be made but in those cases where the public can benefit from such installations, then the customers of the water system should not necessarily be required to pay for the costs of the installations as people beyond the water system's customers will benefit. The bill also does not preclude any water system or other beneficiary from paying for the installation.

Kansas Rural Water testified in the Senate that the capacity of water systems must dictate whether or not a proposed fill tap or fire hydrant installation will deliver good service. It's not just a matter of purchasing a fire hydrant and installing it wherever. Requests for fire hydrants are frequently made by homeowners seeking to reduce insurance rates. Again, the public water system's policies must take precedence in determining where hydrants can be installed. Rural water districts have traditionally been good partners with municipal, township and rural fire districts in providing as much fire protection service as possible. Rural water districts generally can provide meaningful flows for fill taps along main lines. However, rural water districts are not generally designed to provide enough flow to supply directly to pumper trucks. However, the installation of the hydrant and valve for the device used as a fill tap generally involve the same components.

The Kansas Rural Water Association encourages your support of the bill as was amended by the Senate.

Respectfully submitted,



Elmer Ronnebaum
General Manager
Kansas Rural Water Association

House Local Government
Date: 3-04-04
Attachment # 5