

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on March 12, 2009, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Barbara Ballard- excused

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Kevin Flory, NE Trustee for the KS State Firefighters Ass'n.
Battalion Chief Andy Moffitt, Chanute Fire Department

Others attending:

See attached list.

The next meeting is scheduled for March 16, 2009.

The Chairman called the meeting to order. He opened the hearing on **SB 115**.

SB 115 - Fire departments, temporarily closing highways.

Chairman Hayzlett introduced Kevin Flory, the NE Trustee for the Kansas State Firefighters Association. (Attachment #1) Mr. Flory said **SB 115** will help ensure the safety of the Kansas firefighters and EMS workers. He said at the time the original statute was adopted car wrecks, hazardous materials and first responder services were not part of the fire service duties. He said **SB 115** would allow them the legal right to be able to position apparatus to protect themselves. Mr. Flory said apparatus placement is sometimes the only measure they have to protect themselves while at non-fire incidents. He said in many parts of Kansas there are few firefighters and even fewer law enforcement which places the entire burden on the fire and EMS responders to protect them at a scene on a highway. He concluded by saying two small changes in the wording in this bill would allow them to legally but temporarily place an apparatus in such a manner as to make a somewhat safer working environment for firefighters and first responders while performing their duties.

The Chairman recognized Andy Moffitt, Battalion Chief for the City of Chanute Fire Department. (Attachment #2) The first change Chief Moffitt offered was to change the title "fireman" to "firefighter". According to Chief Moffitt the main change to KSA 31-145, in the form of **SB 115** would be to allow the temporary closing/blockading of the roadway in the performance of firefighters' duties. He said currently the fire service has the ability by KSA 31-145 to blockade the roadway for firefighting reasons however, now their duties include assisting communities in hazardous materials incidents, emergency medical services, car accidents and other types of responses. Chief Moffitt said it was important to take care of responders to make their work area safer. He said they are asking for the ability to stop the traffic flow temporarily to take care of the emergencies safely and efficiently.

Ed Klumpp, Legislative Committee Chair for Kansas Association of Chiefs of Police and the Kansas Peace Officers Association, had submitted written testimony but came forward to present his testimony to the Committee. (Attachment #3) According to Mr. Klumpp, both associations recognize the firefighters' need for the provisions of this bill. He said the current law was passed in 1972 and has not been revised since its original enactment which was prior to fire departments becoming first responders to medical, injury calls and injury traffic accidents. He said firefighters blocking any portion of a roadway during an emergency is critical to the safety of victims and firefighters, law enforcement and medical personnel as well as the public. Mr. Klumpp concluded by saying the use of this statute in conjunction with the authority to direct traffic found in K.S.A. 8-1503, which includes traffic direction and control by law enforcement and firefighters, provides the firefighters with the tools they need to safely complete their responses to emergencies on our roadways.

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on March 12, 2009, in Room 783 of the Docking State Office Building.

There were no other proponents and no opponents. Chairman Hayzlett closed the hearing on **SB 115** after all questions were answered.

The Chairman opened **SB 145** to the Committee for discussion and motions. After some discussion, Representative Long made a motion to amend SB 145 by substituting a new bill to be designated as **House Substitute for SB 145** containing the contents of the cotton module amendment (Attachment #4). Representative Wolf seconded the bill and the motion carried. Representative Swanson made a motion to favorably pass H Substitute for SB 145, seconded by Representative Schwartz and the motion carried.

Chairman Hayzlett opened **SB 115** to the Committee for discussions and motions. Representative Burgess made a motion to favorably pass SB 115 and place it on the consent calendar, seconded by Representative Swanson and the motion carried.

There being no further business before the Committee, the meeting was adjourned at 2:10 p.m. The next meeting will be on March 17, 2009 in Room 783 of the Docking State Office Building.