

SESSION OF 2008

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2926**

As Amended by Senate Committee on  
Ways and Means

**Brief\***

HB 2926 would authorize the use of personnel and equipment from the Kansas Department of Transportation (KDOT) for removal of debris from demolished housing in areas damaged by flood waters in cities covered by FEMA-1711-DR (generally southeast Kansas). Specifically, the bill would:

- Allow any eligible city to request KDOT equipment and personnel as may be necessary to remove, haul, or transport any debris from demolished structures located within the boundaries of a city damaged by flood waters;
- Provide that upon receipt of such request by KDOT, the Department would be required to provide the requested equipment and personnel as the Secretary of Transportation deems appropriate and at such time as the equipment and personnel became available according to the Department's work schedule;
- Allow the equipment and personnel to be furnished at no cost to the city making the request; and
- Provide that an eligible city could only request the removal of debris from residential structures which have been deemed unsafe, dangerous or abandoned by the city and which have been razed by the city pursuant to KSA 12-1750 *et seq.* (Unsafe or Dangerous Structure; Abandoned Property) and which are located outside the 100-year flood plain.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would define “eligible city” as any city located, in whole or in part, within the boundaries of any county designated by the United States Federal Emergency Management Agency under major disaster declaration FEMA-1711-DR as eligible to receive individual or public assistance from the federal government.

## **Background**

Representative Virgil Peck, Jr. and Representative Jene Vickrey supported the bill. Representative Peck testified that on June 30, 2007, the City of Coffeyville experienced a major flood unlike any other in its 139-year history.

A spokesperson from KDOT testified, among other things, that its personnel do not enter private property to do demolition work. It was noted that KDOT personnel are not trained nor equipped for demolition of structures as set forth in the bill, as introduced.

A spokesperson for the Adjutant General of Kansas expressed concern over the role of the Kansas National Guard. He cited cost as a major factor. He noted that:

- The cost for National Guard troops and equipment is substantial because it operates as a military force with drivers and assistant drivers, an Officer in Charge, and medical personnel along with equipment operators and mechanics;
- The cost of fuel, travel, lodging, plus the pay of the soldiers on active duty is estimated at \$7,000 a day;
- The majority of soldiers have full-time jobs and would require them to leave their employment for a mission other than response or military training;
- Other issues include asbestos removal and hazardous waste removal that would have to be contracted outside the Guard’s functions; and

- The matter of rescheduling of training plans that are federally required of a military force and future activation and deployments.

The League of Kansas Municipalities also provided testimony to the House Committee. A spokesperson for the League noted that the bill provided for a more expeditious way for a city to proceed with the cleanup and the rehabilitation of a flood district.

A conferee for Associated General Contractors of Kansas, Inc., spoke against the bill. He stated that in damaged areas, the federal Environmental Protection Agency designates a damaged home as either an A, B, or C structure. He said that a structure with an “A” designation poses a risk of collapse and cannot be entered. He added that a structure with a “B” designation can be entered but has some kind of contamination. Finally, a “C” structure can be demolished without environmental issues. He urged the Committee to leave demolition work to private businesses.

Written testimony was submitted by the City Manager of Paola, Kansas.

The House Transportation Committee amendments would remove the Kansas National Guard as a participant in matters relating to the demolition of structures. The other House Committee amendment would clarify that KDOT’s role would be limited to the removal, hauling, or transporting of any debris from a demolished structure.

The Senate Committee on Ways and Means added an amendment suggested by a KDOT representative to limit debris removal to areas outside the 100-year flood plain.

No fiscal note is available for the bill as amended.