

ROADS AND HIGHWAYS COMMITTEE MEETING -- FEBRUARY 4, 1971

The Roads and Highways Committee met in room 529 at 2:45 P. M. on February 4, 1971. Chairman Dierdorff called the meeting to order and all members were present except Dugan and Nowlin.

Mr. John Bower, Representative of District 41 was the conferee.

HOUSE BILL 1096 - AN ACT designating highway K-32 as the kaw valley scenic highway; requiring appropriate marking thereof by the state highway commission.

Mr. Bower distributed sheet (Exhibit 1, attached) showing points of interest along Highway 32. He read the following from the fiscal note: "The Highway Commission reports that it estimates the initial sign installation on the Kaw Valley scenic highway would be \$789 and annual maintenance would amount to \$175 in future years. The cost of the installation of \$789 in FY 1972 budget could be absorbed within the current budget limitations. The annual maintenance of \$175 would appear in FY 1973 and later budgets under the maintenance activity."

Mr. Ratner made a motion, second by Mr. Rosenau, that "kaw valley" in the bill be capitalized. Motion carried. Mr. Hayes made a motion, second by Mr. Wingert, that House Bill 1096 be reported favorably as amended. Motion carried. (2 No votes)

Mr. Dugan was absent so the sub-committee report on House Bill 1044 was postponed until Monday, February 8, 1972.

Mr. Arbuthnot and Mr. Wingert reported that they had been contacted by their engineers with the request to raise the limit from 120 thousand dollars. The Chairman asked them to check with the sub-committee working on the bill.

Except as otherwise noted, the individual remarks recorded herein have not been transcribed verbatim and this record has not been approved by the committee or by the individuals making such remarks

Mr. Ratner read the attached letter from the State Highway Commission explaining that House Bill 2111 from the 1968 Session, which was intended to make some clarifying amendments to the statutes relating to highway contracts and bonds was passed in the House but on about the last day of the Senate it was passed with a floor amendment, indicated in ink on line 30 of page 2, to correct an erroneous statutory reference which both the Revisor and Staff Attorney of the Highway Department missed." Mr. Ratner asked permission of the committee to have a bill drawn up and brought back as a committee bill. Mr. Ratner made a motion, second by Mr. Jacobs, that this be brought back as a committee bill. Motion carried.

Mr. Dierdorff asked permission of the committee to introduce a highway bill as a committee bill (Exhibit 3, attached). He explained that he had been working with the Senate to try to work out a bill but they could not agree.

Mr. Ratner made a motion, second by Mr. Wingert, that the bill be introduced as a committee bill. Motion carried. (Lady voted no.)

The meeting was adjourned.

Fran Stafford, Recording Secretary

APPROVED:


ARDEN DIERDORFF, CHAIRMAN

February 8, 1971

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POINTS OF INTEREST, KANSAS HIGHWAY #32, WYANDOTTE COUNTY

1. Central Avenue Viaduct overlooking Stock Yards, Packing Houses and railroad yards.
2. Business section along Central Avenue: Bethany Hospital, New #9 Fire Station, Old Flat Iron Building at 14th Street.
3. Five way intersection at 18th Street. Beginning of 18th St. Expressway
4. Park Drive running by Clifton Park, site of former well known and popular swimming pool of the 1920's and 30's.
5. City Park, oldest park in Kansas City, Kansas, former terminal of old Bonner Springs, Lawrence Inter-Urban Trolley Line and end of line of Kansas City Public Transit Street Car Line.
6. Old City Limits of Kansas City, Kansas; Mattoon Road, 38th Street.
7. Old Orient cut - connection of the Kansas City Kaw Valley and Western Railroad and Kansas City Southern Railroad.
8. Old Lindsey Hollow and 410 Woods.
9. Westward view of Turnpike (near 61st. Street.)
10. View of Kaw River winding South-westward (early morning and sunset)
11. Sand Plant and site of Lewis and Clark Campsite, overlooking Turner Industrial Park and ATSF Railroad.
12. Largest Mobile Home Court in State.
13. Lake Park Drive-in Theatre, 2 screens, fireworks on 4th of July.
14. Typical former flourishing townsite of unincorporated Muncie.
15. Historical Old Grinter House, site of first ferry crossing in Kansas.
Dessie Miller Indian artifacts.
16. Sand bars on Kaw River. Best building sand in world.
17. Pre-Cival War brick house at Edwardsville - site of former home of Potatoe King at old Edwardsville.
18. Famous Potatoe Producing Valley.
19. Old car-barn of Kaw Valley Inter-Urban Line.
20. Post Cival War homes overlooking Kaw River.
21. Wolf Creek - legendary.
22. Beautiful scenic view of farm lands.
23. Old river town of Linwood.
24. Christian Church, Commission Church School Camp.
25. Scenic view of University of Kansas on the road overlooking Turnpike.

KAW VALLEY

SCENIC HIGHWAY RESOLUTION

WHEREAS, Wyandotte County is the most populated county in the State of Kansas. And, Therefore contributes a goodly share of the tax revenue to the state, and

WHEREAS, Wyandotte County does not have one highway designated as a scenic highway, and

WHEREAS, Wyandotte County has many points of particular historic interest and scenic views, and

WHEREAS, the Wyandotte County Historical Society is interested in promoting and preserving same, and

WHEREAS, many of these said points of interest are situated along the expanse of the route covered by the renewed and widened Kansas Highway #32, and

WHEREAS, the new highway #32 will be reopened and dedicated soon, and

WHEREAS, there would be very little expense involved in designating and so marking Highway #32 as such.

NOW, THEREFORE, be it resolved that the Wyandotte County Historical Society go on record as favoring such a proposal and do hereby petition the Kansas State Highway Commission to so designate and mark with appropriate signs, monuments, markers, calling attention of the public to the historic and scenic nature of the route being traveled.

Respectfully submitted,

Denny M. Smith
Vice President
Wyandotte County Historical Society

ROBERT B. DOCKING, Governor

State Highway Commission of Kansas

JOHN D. MONTGOMERY, Director of Highways
R. L. PEYTON, Assistant State Highway Director
JOHN D. McNEAL, State Highway Engineer



ROBERT P. HAGEN
Lawrence, Kansas
BOB KENT
Salina, Kansas
HENRY SCHWALLER
Hays, Kansas
KARL A. BRUECK
Paola, Kansas
GALE MOSS
El Dorado, Kansas
LOUIS KAMPSCHROEDER
Garden City, Kansas

STATE OFFICE BUILDING
TOPEKA, KANSAS 66612

January 22, 1971

Honorable Arden Dierdorff
Chairman, Roads and Highways Committee
House of Representatives
State House

Dear Arden:

Enclosed is copy of House Bill No. 2111 from the 1968 Session, which was intended to make some clarifying amendments to the statutes relating to highway contracts and bonds. It passed the House but on about the last day of the Senate it was passed with a floor amendment, which I have indicated in ink on line 30 of page 2, and line 1 of page 3, to correct an erroneous statutory reference which both the Revisor and I had missed.

In the last day turmoil the Senate amendment apparently was not presented to the House for concurrence.

Obviously we have managed to get along without this for two years, but we continue to have some problems of interpretation which we think would be largely eliminated by this bill. I would appreciate it if your committee would consider introducing the bill; and of course I would be glad to discuss it with you or the full committee at any time.

Very truly yours,

JOSEPH J. POIZNER, Chief Attorney
State Highway Commission

JOHN H. MORSE
Staff Attorney

JHM:fa
Enc.

(As Amended by House Committee)

Session of 1968

HOUSE BILL No. 2111

By Committee on Roads and Highways

AN ACT concerning contracts of the state highway commission; third party claims in certain cases; amending K. S. A. 68-410 and 68-411 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

1 Section 1. K. S. A. 68-410 is hereby amended to read as follows:
2 68-410. All contracts for the construction, improvement, recon-
3 struction, and maintenance of the highway system, the cost of which
4 exceeds one thousand dollars (\$1,000), except contracts between
5 the state highway commission and the various counties, shall be
6 awarded at a public letting to the lowest responsible bidder: *Pro-*
7 *vided, however,* That no contract for a single project or structure
8 shall be divided into two or more contracts and awarded without
9 public letting and to other than the lowest responsible bidder. The
10 state highway commission shall make necessary rules and regula-
11 tions covering the making and receiving of bids and letting of con-
12 tracts: *Provided,* That no contract shall be awarded to a non-
13 resident individual, partnership or corporation unless the same has
14 established a permanent office in the state of Kansas so that service
15 can be had and taxes collected from said nonresident: *And pro-*
16 *vided further,* That the provisions of ~~section~~ K. S. A. 16-113 ~~of the~~
17 ~~Revised Statutes of 1922~~ shall not apply to contracts made by
18 the state highway commission. The person or persons to whom a
19 contract may be awarded shall give good and sufficient surety bond
20 by a company authorized to do business in this state to be approved
21 by the state highway commission, and filed with said commission
22 in such sum as the state highway commission shall fix, not less than

1 the amount of such contract price, conditioned that such contractor
 2 will faithfully perform such contract in every respect and condi-
 3 tioned further that such contractor or contractors or subcontractor
 4 or subcontractors of said contractor or contractors shall pay all
 5 indebtedness incurred for supplies, materials or labor furnished,
 6 used or consumed in connection with or in or about the construc-
 7 tion of the project for which the contract has been let, including
 8 gasoline, lubricating oils, fuel oils, greases, coal and similar items
 9 used or consumed and used directly in carrying out the provisions
 10 of the contract: *Provided*, That when such bond has been so ap-
 11 proved by and filed with the state highway commission, no me-
 12 chanic's lien shall attach by reason of the failure of the contractor
 13 or contractors or subcontractor or subcontractors of said contractor
 14 or contractors to pay for or make settlement for the items covered
 15 by this act: *Provided further*, That any person to whom there is
 16 due any sum for labor or material or for any item covered by this
 17 act or his assigns, may bring an action on said bond for the recovery
 18 of said indebtedness and said suit may be brought in any county
 19 in the state where any part of said contract has been performed:
 20 *Provided further*, That no such action shall be brought on said bond
 21 unless within six (6) months after the completion date of said con-
 22 tract, *which shall be the date of the state highway commission's final*
 23 *acceptance of the work done under such contract*, according to the
 24 records of the state highway commission, there be filed with the
 25 state highway commission an itemized statement of the amount of
 26 such indebtedness, which itemized statement must be sworn to and
 27 acknowledged before a notary public or other officer authorized to
 28 administer oaths: *Provided*, That no action shall be brought on
 29 said bond after one (1) year from the completion date of said con-
 30 tract: *Provided further*, The provisions of ~~section K. S. A. 60-1413~~
 31 of the Revised Statutes Supplement of 1923 and section

1 ~~60-1414~~ of the Revised Statutes of 1923 shall not apply to con-
 2 tracts made by the state highway commission.

3 Sec. 2. K. S. A. 68-411 is hereby amended to read as follows
 4 68-411. The state highway commission shall make partial payment
 5 to a contractor performing any road or bridge work under contrac-
 6 with it, as the work may progress, said partial payment not to be
 7 less than ninety percent (90%) of the contract price of the materia-
 8 delivered and work done and accepted. The highway commission
 9 shall provide by regulation, to be made a part of all specifications
 10 for the withholding of not more than ten percent (10%) of the full
 11 contract price of any such work until the work is satisfactorily com-
 12 pleted and approved by the state highway commission and the
 13 provisions of the contract and bond therefor have been fully satis-
 14 fied; *but the highway commission shall not be required to withhold*
 15 *any sum on account of any claim of a third party after action upon*
 16 *the bond by such claimant is barred under the provisions of K. S. A.*
 17 *68-410, as amended, unless such withholding is directed by a court of*
 18 *competent jurisdiction.*

19 Sec. 3. K. S. A. 68-410 and 68-411 are hereby repealed.

20 Sec. 4. This act shall take effect and be in force from and after
 21 its publication in the statute book.
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