

Approved March 7, 1981  
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at  
Chairperson

2:30 ~~am~~/p.m. on August 31, 1987 in room 519-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Bruce Kinzie Revisor of Statutes  
Hank Avila, Legislative Research  
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Mr. Ed DeSoignie, Kansas Department of Transportation

The meeting was called to order by Chairman Crowell, and it was announced the main order of business was to receive an explanation concerning the governance sections of HB-2001, from KDOT.

Mr. Ed DeSoignie, Kansas Department of Transportation discussed in detail, Sections 39 through 49 of the Governor's proposed legislation in HB-2001. (See Attachment 1)

Committee discussion was held.

A motion was made by Representative Spaniol to delete New Section 39 from HB-2001. The motion was seconded by Representative Justice. Motion passed.

Section 40 was taken up, and Representative Snowbarger stated there is not enough information available to make a decision. Chairman Crowell requested that KDOT provide information concerning the average setoff, as well as the total dollar amount involved.

New Section 41 was taken up, which authorizes the Secretary of Transportation to directly acquire supplies, materials or equipment or services incidental to construction, reconstruction or maintenance of highways for the expedited highway program. Representative Snowbarger stated further information had been requested, but not yet received.

New Section 42 which authorizes the Secretary of Transportation to hold hearings on contractor disputes pursuant to the Kansas Administrative Procedures Act, was taken up.

A motion was made by Representative Snowbarger that Section 42 be adopted. The motion was seconded by Representative Moomaw. Motion passed.

New Section 44, authorizing the Secretary of Transportation to adopt rules and regulations for the transfer or reassignment of employees of the Department of Transportation throughout the State was taken up.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S Statehouse, at 2:30 ~~a.m.~~/p.m. on August 31, 1987

A motion was made by Representative Freeman that New Section 44 be adopted. The motion was seconded by Representative Wilbert. Representative Laird asked if there had been any input from the Kansas Association of Public Employees.

The motion was withdrawn with permission of the second.

New Section 45 was taken up, authorizing the Secretary of Transportation to acquire fee simple title to highway right-of-way by trade or eminent domain.

A motion was made by Representative Snowbarger that New Section 45 be adopted. The motion died for lack of a second.

A motion was made by Representative Shore that new Section 45 be deleted from HB-2001. The motion was seconded by Representative Laird. Motion passed.

New Section 46 was taken up, authorizing the Secretary of Transportation the discretionary authority to advance monies to utilities, pay in whole or in part for the movement of utilities, and to acquire and transfer utility easements when necessary for the expediting of the highway program.

A motion was made by Representative Laird to adopt New Section 46 except that we strike language in regard to paying expenses in whole or in part. The motion was seconded by Representative Adam.

Further Committee discussion ensued. A substitute motion was made by Representative Gross that Lines 682-685 be left in HB-2001, but making it only applicable to rural water districts. The motion died for lack of a second.

On the original motion to adopt New Section 46 and concur with language like the Senate, deleting Lines 682-685, a vote was taken. Motion passed on a division 11-9.

New Section 49 authorizing the Secretary of Transportation to compensate individuals serving on advisory boards, commissions and committees appointed by the Secretary, was taken up.

A motion was made by Representative Laird that New Section 49 be deleted from HB-2001. The motion was seconded by Representative Adam. Motion passed.

The meeting was adjourned at 5:10 p.m.

  
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Rex Crowell, Chairman

GUEST LIST

COMM IE: Transportation

DATE: 8-31-57

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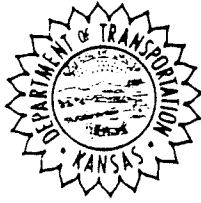
NAME	ADDRESS	COMPANY/ORGANIZATION
JIM SULLINS	TOPEKA	Ks. MOTOR CAR DRVS ASSN
PAUL W. MATTHEWS	OKLA. CITY	HIGHWAY USERS FED.
Margaret Lester	Pittsburg, Ks.	With Ch. of Commerce KPL Gas Service
Jackie Finley	Pittsburg, Ks.	Concerned Citizen
Virginia Wilkist		
Judy J. Graham	Pittsburg Ks.	Gov. Task Force
Richard Part	Topeka	KAJB
Alan E. Sims	Overland Park	City of Overland Park
WARREN THOMAS	Coffeyville, Ky	Coffeyville Chamber of Commer
JOHN C. BOTTENBERG	Economic Liberties	TOPEKA
Robert Haley	MOOT	2012 H9
Buck Jones	Topeka	KDOT
Richard G. Adams	TOPEKA	KDOT
DAVID BETTER	Concordia	Concerned Citizen
Herold P. Dyck	Hesston Ks	Leg.
Lee Hamm	Pratt	Leg.
Mary Harper	Healy	AD 177
Bob Wright	Dodge City	CFC
Kathryn Sughree	Dodge City	Legis.
Jan Jossand	Wichita	Wichita Chamber
Lynwood Green	Elford, Ks.	Reg. 75 Dist
Ken Bahr	Topeka	Shawnee City League, Coal.
Marla Howard	Wichita	City of Wichita
Melvin Marten	Wichita	Lidgwick
Dan Ramlow	Topeka	Ks. Contractors Assn.
Wendy J. Schiappa	Manhattan	Chamber
Jack Beauchamp	Ottawa	Legislator

Pat Hubbard

Boyer

Kans. Railroad

STATE OF KANSAS



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3-31  
mtg.

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KANSAS DEPARTMENT OF TRANSPORTATION

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Topeka 66612-1568  
(913) 296-3566*

Horace B. Edwards  
*Secretary of Transportation*

Mike Hayden  
*Governor of Kansas*

August 20, 1987

MEMORANDUM TO: THE JOINT COMMITTEE ON TRANSPORTATION

FROM: THE KANSAS DEPARTMENT OF TRANSPORTATION

REGARDING: GOVERNOR'S PROPOSED COMPREHENSIVE HIGHWAY PLAN LEGISLATION;  
SECTIONS 39 THROUGH 49

Thank you Chairman Morris, Chairman Crowell and members of the Joint Senate and House Transportation Committee. My presentation this morning will consist of a review of Sections 39 through 49 of the Governor's proposed legislation.

On Monday, Transportation Secretary Horace Edwards briefed this committee on the need for expedited management of the Comprehensive Highway Plan. The demands of a fast-track construction schedule require elimination of the impediments to complete the program on schedule. The Secretary of Transportation will need to have the authority to manage effectively to accomplish program objectives.

The legislation before you seeks to eliminate obstacles to effective management of a fast-track construction program, by providing the Secretary with the necessary tools for the job. A brief section by section review follows:

**New Section 39.** Authorizes the Secretary to secure such engineering, financial or other professional services, including bond counsel, when determined necessary for the completion of the expedited highway program. The section enables the Secretary to move quickly in the procurement of such services without the delays which presently require publication in the Kansas Register, competitive bids and the use of negotiating committees. The Secretary is required annually to report all such contracts and the reason thereof to the Governor and Legislature. This section expires July 1, 1997.

This section seeks to eliminate existing delays, which can be up to two months or more, in retaining engineering and professional services.

**New Section 40.** Exempts relocation assistance payments from the Kansas Debt Setoff Laws. The present Debt Setoff provisions work against the Department in the acquisition of title to needed properties for highway purposes, increasing costs to the state. This section expires July 1, 1997.

**New Section 41.** Authorizes the Secretary to directly acquire such supplies, materials or equipment or services incidental to construction, reconstruction or maintenance of highways for the expedited highway program. The Secretary is required to make detailed reports on such purchases to the Governor, with copies of such reports to the Legislative Coordinating Council, and the chairmen of the Senate Ways and Means and House Appropriations Committees. This section expires July 1, 1997.

The enabling language will provide for the timely acquisition of materials, supplies, etc. necessary for highway projects eliminating delays and attendant costs.

**New Section 42.** Authorizes the Secretary to hold hearings on contractor disputes pursuant to the Kansas Administrative Procedures Act. The enabling language will provide for efficiently resolving disputes and reductions in legal costs.

**New Section 43.** Authorizes the Secretary on and after July 1, 1988, subject to appropriations acts, to spend funds from the State Highway Fund for rural and elderly and handicapped public transportation. Expenditures in any fiscal year may not exceed 25 percent of the federal apportionment to the State under sections 16(b)(2) and 18 of the Urban Mass Transportation Act, attributable to such fiscal year.

**New Section 44.** Authorizes the Secretary to adopt rules and regulations for the transfer or reassignment of employees of the Department of Transportation throughout the State when necessary for the management of the expedited highway program. This section expires July 1, 1997.

The fast-track highway program will require the ability to move employees where they will be needed to meet production schedules.

**New Section 45.** Authorizes the Secretary to acquire fee simple title to highway right-of-way by trade or eminent domain. The Secretary may presently acquire fee simple title by purchase or dedication, and through eminent domain for buildings or improvements necessarily incidental to maintenance, supervision and operation of highways. A lesser degree title than fee simple is presently acquired by the Department on properties needed for right-of-way.

The enabling language would improve the efficiency of right-of-way acquisition and disposal by reducing the loss of public funds when properties no longer needed are disposed.



**New Section 46.** Authorizes the Secretary the discretionary authority to advance monies to utilities, pay in whole or in part for the movement of utilities, and to acquire and transfer utility easements when necessary for the expedited highway program. *(Loans only)*

The enabling language would provide the Secretary with the means to reduce or eliminate the time consuming, costly delays associated with utility relocations. Delays with such relocations would delay projects jeopardizing construction schedules, and increasing project costs.

**Section 47.** Loosens the existing restrictions on out-of-state recruitment to allow the Secretary to hire the most qualified people necessary for the management of the highway program. Increases the poundage restrictions in the law for moving expenses from the current 12,000 pounds limit to 19,999 pounds. Current law imposes an obstacle to recruitment of employees. This section expires July 1, 1997.

**Section 48.** Loosens the existing restrictions on payments for in-state moving expenses. Raises poundage restrictions from the current 12,000 pounds to 19,999 pounds. Current law imposes an unfair financial burden on our employees when they are required to move for the benefit of the State. This section expires July 1, 1997.

**Section 49.** Authorizes the Secretary to compensate individuals serving on advisory boards, commissions, and committees appointed by the Secretary, such amount as the Secretary determines. Under existing law the members of such advisory bodies, commissions, etc., may only receive reimbursement for subsistence. The enabling language would provide the Secretary with the ability to recruit such individuals possessing the qualifications to advise on the management, control and operation of the Department of Transportation. The Secretary is required to report annually, all expenses and compensation paid to such individuals, to the Legislature.

In addition to the foregoing sections, the Governor's proposed legislation provides for the abolition of the current State Highway Advisory Commission.

That concludes my review of the Governor's proposed legislation. Thank you.