

Approved: 3/12/96
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES.

The meeting was called to order by Chairman Ben Vidricksen at 9:05 a.m. on March 6, 1996 in Room 254-E of the Capitol.

All members were present except:
Senator Rock

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:
David Comstock - Kansas Department of Transportation
George Barbee - Kansas Consulting Engineers
Helen Stephens - Kansas Society of Land Surveyors

Others attending:

HB 2690 - CONCERNING MOTOR VEHICLES; RELATING TO CERTAIN WARRANTIES

There was no one present to address this bill but the staff explained that this legislation would give the same rights on leased vehicles, as on one that you would buy, in the event that the leased vehicle would not conform to all applicable warranties.. There was brief discussion and no opposition so Senator Lawrence made a motion to pass the bill favorably. This was seconded by Senator Papay. Motion carried.

HB 2680 - RELATING TO STATE ENGINEERING SERVICES; CONCERNING LAND SURVEYING

David Comstock presented supporting testimony for revisions to the Engineering Services Statute. He explained that the engineering services statutes are no longer in compliance with federal laws which require states to negotiate for engineering and land surveying services if they are to be paid for with federal funds. The Department requested the statutory changes that would restore engineering firms' ability to provide the full range of surveying services required for highway projects. (Attachment 1)

George Barbee requested support of this bill which would allow a firm to offer full service to the state by having land surveyors as employees or as subcontractors to a land surveying firm. (Attachment 2)

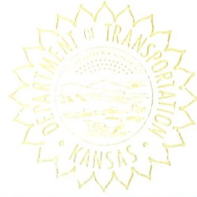
A statement was also presented by Helen Stephens requesting passing of this legislation to bring KDOT procurement of services into compliance with the Brooks Act and the state laws pertaining to land surveying. This would allow individuals licensed in this profession to provide services to KDOT. (Attachment 3)

Senator Papay made a motion to have this legislation passed. This was seconded by Senator Harris. Motion carried.

A motion to approve the minutes of the March 5th meeting was made by Senator Jones. A second was made by Senator Harrington. Motion carried.

The Chairman announced that the March 7th meeting would be canceled and adjourned the meeting at 9:30 a.m.

The next meeting is scheduled for March 12, 1996.



KANSAS DEPARTMENT OF TRANSPORTATION

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TESTIMONY BEFORE THE SENATE COMMITTEE ON
TRANSPORTATION AND UTILITIES

Regarding H. B. 2680

Revising The Engineering Services Statutes

March 6, 1996

Chairman and Members of the Committee:

On behalf of the Kansas Department of Transportation, I am here today to provide testimony supporting revisions to the Engineering Services Statute, K.S.A. 75-5801, et seq. These statutes allow KDOT to negotiate contracts for engineering services. I will also be referring to K.S.A. 74-7001, et seq. which are the Technical Professions Statutes to which we are not recommending revision.

Because of revisions to the Engineering Services Statutes enacted on January 1, 1993, the State of Kansas and KDOT cannot presently negotiate contracts for land surveying services. As a result, the engineering services statutes are no longer in compliance with the federal "Brooks Bill;" 23 C.F.R. §172, which requires states to negotiate for engineering and land surveying services if they are to be paid for with federal funds. The revision we are proposing will allow us to negotiate contracts for land survey services, in addition to engineering services.

Prior to January 1, 1993, KDOT was able to negotiate contracts for engineering and land surveying services. In 1992, S.B. 380 was passed, modifying the technical professions licensing requirements in K.S.A. 74-7001 et seq. That legislation excluded land surveying from the practice of engineering services. K.S.A. 74-7003 redefined the terms "practice of engineering," and "practice of land surveying." As a result of the changes in the technical profession licensing requirements, the term engineering services as used in K.S.A. 75-5802 now excludes land surveying as a negotiated service.

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Currently, KDOT cannot include land surveying services that we need for highway improvement projects in our engineering services contracts which are negotiated with engineering firms. Engineering firms selected under K.S.A. 75-5801 et seq. can provide engineering surveying services, but the scope of these services is limited. Engineering firms can no longer provide land surveying services, such as surveying of real property for the establishment of boundaries, rights of way, and easements as a part of a negotiated contract. As a result, under the current statute, we are required to either provide land surveying services with in-house staff or obtain land surveying services by low bid.

Both of the alternatives that are currently available present problems for the Department. KDOT does not have sufficient in-house staff to perform additional land surveying services. If we must take bids for land surveying services, our administrative costs will increase, because we will have to initiate and administer two contracts instead of one. We are also concerned that the combined cost of the services may be higher, because contractors' time and effort will be duplicated as engineering firms and land surveying firms attempt to coordinate their efforts. In addition, because federal law requires land surveying services to be procured through negotiation, we will not be able to use federal funds to pay for those services.

To address this problem, the Department is requesting statutory changes that would restore engineering firms' ability to provide the full range of surveying services required for highway projects. Specifically, we propose that the Engineering Services Statute (KSA 75-5801 et seq.) be revised to: 1) expand the definition of the term "firm" to include the profession of land surveyor and the practice of land surveying services, 2) include the definition of "land surveying" from the Technical Professions Statute (KSA 74-7003), and 3) add land surveying services to appropriate sections as "engineering or land surveying services." Our proposed legislation will not affect the changes that were made in the technical professions act in 1992. However, our proposed revisions will allow KDOT once again to be consistent with federal requirements. In addition, through this negotiated process KDOT will be able, for the first time, to prequalify land surveying firms to negotiate and perform land surveying services. This prequalification will be beneficial for those land surveying firms which are interested in competing for land surveying services with all units of government.



Statement to
Senate Committee on Transportation and Utilities
on House Bill-2680
Wednesday, March 6, 1996

Mr. Chairman and members of the Committee my name is George Barbee. I am appearing today on behalf of the Kansas Consulting Engineers in support of House Bill-2680.

There have been some recent changes to the licensure statute for architects, engineers, and land surveyors that prevent engineers from practicing land surveying without a license. This has caused a procurement problem for the Kansas Department of Transportation in acquiring a firm to do full one-stop servicing and still be in the definition of engineering. This amendment would allow a firm to offer full service to the state by having land surveyors as employees or as subcontractors to a land surveying firm.

Kansas Consulting Engineers supports this amendment and urges you to report House Bill-2680 favorably.

KANSAS SOCIETY OF LAND SURVEYORS

March 6, 1996

Senate Committee on Transportation
HB 2680

Mr. Chairman and Members of the Committee:

The Kansas Society of Land Surveyors supports the changes proposed by KDOT in HB 2680.

Passage of this legislation will bring KDOT procurement of services into compliance with the Brooks Act and the state laws pertaining to land surveying. It will also allow an individual licensed in this profession to provide services to KDOT.

We ask you give favorable consideration to this legislation.

Thank you.

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