

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND TOURISM

The meeting was called to order by Chairman Ben Vidricksen at 9:05 a.m. on March 10, 1998 in Room 254-E of the Capitol.

All members were present except: Senator Huelskamp

Committee staff present: Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian Holeman, Committee Secretary

Conferees appearing before the committee: Steve Woolington, KDOT

Others attending: See attached list

Due to weather conditions, all state offices were closed March 9, 1998. The March 9 meeting will be rescheduled. The published agenda will be followed for the remainder of this week.

HB 2760: Authorizing secretary of transportation to pay for certain tools of employees.

Steve Woolington, Director of Operations for the Kansas Department of Transportation explained this bill would allow the Secretary of Transportation to pay KDOT employees for losses from theft of certain personally owned tools or equipment taken from a Department facility or vehicle (Attachment 1). Claims for losses over \$1,000 currently must be submitted to the Joint Committee on Special Claims Against the State. This can create a significant hardship for employees who are required by the terms of their employment to have these specialized tools. Discussed the rate of tool loss, question of negligence, employees insurance, methods of investigation, etc. In the past, the Claims Commission has never had any reservations about paying these claims - the money comes out of KDOT's budget. The only problem has been the long delays in the reimbursement and the burden this places on their employees. Recent claims have ranged from \$600 to \$16,000. It could possibly take as long as two years to be reimbursed. This bill would not cover tool loss claims from any other state agency.

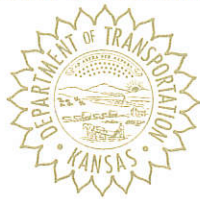
Senator Karr moved to recommend HB 2760 favorable for passage. Senator Gilstrap seconded the motion. Discussed why just one agency is involved in this bill. Felt this is just a beginning point of reference to see how this works. Other agencies can be added later. Motion carried. Senator Vidricksen will carry the bill.

Minutes - approval of.

Senator Tyson moved to approve the minutes of February 11, 12, and 16, 1998. Senator Jordan seconded the motion. Motion carried.

Meeting adjourned at 9:40 a.m.

Next meeting is scheduled for March 11, 1998.



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**TESTIMONY BEFORE THE SENATE COMMITTEE ON TRANSPORTATION
AND TOURISM**

Regarding House Bill No. 2760
Authorizing the Secretary of Transportation to Pay Employees for the Theft of Certain
Tools or Equipment

March 10, 1998

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill 2760. I am Steve Woolington, Director of Operations for the Kansas Department of Transportation. This bill would authorize the Secretary of Transportation to reimburse KDOT employees for losses incurred from the theft of certain tools or equipment when taken from a Department facility or vehicle. This revised procedure of reimbursement from the Highway Fund would replace the current process of submitting claims to the Joint Committee on Special Claims Against the State.

KDOT employs mechanics at six District and 26 Area shop facilities as well as a Geology Shop facility. Consistent with the long-standing industry standard, KDOT requires mechanics to provide their own tools. The value of tools owned by KDOT mechanics is substantial and ranges in value due to many variables including the value of tools the employee brought to his KDOT employment; tools needed at a particular job location; as well as the cost of the tool case, which can vary significantly depending on its size and mobility. KDOT does not have a standardized list of tools, however mechanics are required to maintain a current inventory of tools they have on-site. These inventories are verified and signed by the employee's supervisor. All tools are kept in locked facilities and in many cases are kept in a secured area within the facility.

Periodically, a theft of tools or equipment occurs. These thefts have been due to break-ins. KDOT currently reimburses employees for theft of tools up to \$1,000. If the loss exceeds \$1,000, KDOT must submit the claim to the Joint Committee on Special Claims Against the State for approval. This procedure delays reimbursement to employees, especially if the loss occurs during the months the legislature is not in session.

*Senate Transp. + Tourism
3-10-98
Attachment #1*

KDOT has investigated the possibility of providing tools for the mechanics to use, however this is cost prohibitive. K.S.A. 75-4101 currently prohibits the agency from purchasing insurance to cover these types of losses. KDOT has not required mechanics to insure their tools because at their salary level, it would be a significant burden.

House Bill 2760 would authorize the Secretary to reimburse an employee for tools or equipment taken from a KDOT facility or vehicle. Reimbursement would only be allowed in circumstances where the department or supervisor required the employee to furnish the tools or equipment as a condition of employment. No payment would be allowed if the Secretary determines employee negligence was the primary cause of the loss. If the theft was covered by the employee's insurance, KDOT would only pay the deductible amount.

This bill will expedite reimbursement to the employee and allow quick replacement of the tools or equipment. This is needed to ensure KDOT employees are adequately equipped to do their work.