

Approved: 3-24-99
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Rep. Gary Hayzlett at 1:40 p.m. on March 16, 1999 in Room 519-S of the Capitol.

All members were present except:

Representative Aday, excused
Representative Ballou, excused
Representative Hermes, excused
Representative Howell, excused
Representative Myers, excused

Committee staff present:

Bruce Kinzie, Revisor
Hank Avila, Research
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Representative Kenny Wilk
Judy Moler, Kansas Association of Counties
David Van Parys, Leavenworth County Counselor

Others attending: see attached list

SB 273 - county roads, initiation of procedure to lay out, alter or vacate

Representative Kenny Wilk appeared in support of **SB 273**. He told the committee this bill would not only be of benefit to Leavenworth County but would impact all counties. He then introduced David Van Parys, Leavenworth County Counselor who spoke in support of the adoption of **SB 273**. He said the present statute unnecessarily burdens county road operations and a simpler, more effective system, would be to authorize the Board of County Commissioners to alter, lay out or vacate county roads as deemed necessary providing notice to the affected landowners of the hearing at which time the decision to alter, lay out or vacate the road would be made by the Commission. He urged support of the proposed amendments to K.S.A. 68-102. (Attachment 1)

Judy Moler, Kansas Association of Counties, said **SB 273** would amend and clarify an outdated statute and allow for a more expedient manner in which a Board of County Commissioners could move to lay out, alter or to vacate a road. The Association of Counties requests passage of this bill. (Attachment 2)

The Chair recognized Senator Biggs who is the sponsor of **SB 273**.

Following questions from the committee the Chair closed hearings on **SB 273**.

There being no opponents, Chairman Hayzlett opened **SB 273** for discussion and final action.

Representative Loyd offered an amendment, relating to page 2, line 5 of SB 273, to leave " the proposed" in and delete "such". This was seconded by Representative McKinney and the motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 519-S Statehouse, at 1:40 p.m. on March 16, 1999

Representative Pauls offered an amendment which would change the wording on page 2, line 18 by deleting "to layout, alter or vacate" and changing to "laying out, altering and vacating", this was seconded by Representative Loyd and the motion carried.

Representative McClure offered an amendment which would restore the word "vacation" to page 1, line 42, seconded by Representative Johnston and the motion carried.

Representative Larkin made a motion to pass **SB 273**, as amended, favorably, seconded by Representative Flower and the motion carried.

Chairman Hayzlett adjourned the meeting at 2:00 p.m. The next meeting of the House Transportation Committee will meet on Wednesday, March 17th at 1:30 p.m.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: March 16, 1999

NAME	REPRESENTING
Ronald Karr	Jefferson County / KCAA
Judy Melzer	16. Area of Counties
DAVID C. VAN PARYS	LEAVENWORTH COUNTY
Don Phipps	Law Co. senator
Tom Whitaker	Ks Motor Carriers Assn
Ken Bahr	Economic Lifelines

County of Leavenworth, Kansas

Courthouse, 300 Walnut
Leavenworth, Kansas 66048
(913) 684-0415
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March 16, 1999

Members of the House Transportation Committee

RE: Senate Bill 273

Dear Representatives:

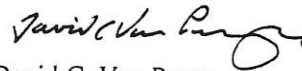
On behalf of the Board of County Commissioners of Leavenworth County, Kansas, I would like to thank you for the opportunity to offer the support of Leavenworth County for the adoption of Senate Bill 273. While this Bill will not be the most important piece of legislation appearing before you this session the adoption of the Bill will provide relief to the counties of the State of Kansas from the operation of a statute which unnecessarily burdens county road operations.

Specifically, as currently written K.S.A. 68-102 provides for a petition process whereby 12 landowners submit a petition to the Board of County Commissioners for the alteration, laying out or vacation of county roads. Landowners are then required to post a bond to cover all of the associated costs with the change in the road system. In this respect, K.S.A. 68-102 duplicates the ability of landowners to create road benefit districts within the county. This duplication aside, the practical effect of K.S.A. 68-102, if strictly followed, would be to severely restrict the ability of the Boards of County Commissioners of the counties of the State of Kansas to make necessary changes to the road systems. A simpler and more effective system would be to authorize the Board of County Commissioners to alter, lay out or vacate county roads as deemed necessary providing notice to the affected landowners of the hearing at which the decision to alter, lay out or vacate the road would be made by the Commission. Inasmuch as county roads are a local issue it would seem to make sense to give greater discretion to the locally elected officials. The same would apply with respect to the apportionment of costs for changes to the county road systems. It should be the discretion of the Boards of County Commissioners of the counties of the State of Kansas to determine whether changes in the road system would be borne solely by adjoining or nearby landowners or by the county as a whole.

Aside from believing that the proposed changes to K.S.A. 68-102 and 68-102a provide a better system, I would submit that K.S.A. 68-102 as written is more likely observed in the breach than in common practice. As strictly read, no changes, regrading or realignment of county roads could take place without the petition process being followed.

The proposed amendments to K.S.A. 68-102 and 68-102a provide a more feasible and workable system to local governments with respect to the management of their road systems while affording landowners sufficient protections. The Board of County Commissioners of Leavenworth County, Kansas, urges you to adopt this Bill.

Sincerely,



David C. Van Parys
County Counselor

DCV/rw

House Transportation Committee
March 16, 1999
Attachment 1



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY ON SB 273
House Transportation Committee
By Judy A. Moler, Legislative Services Director
March 16, 1999

Representative Hayzlett and Members of the Committee, thank you for allowing me to speak in support of SB 273 on behalf of the Kansas Association of Counties. As proposed, this bill would amend and clarify an outdated statute and allow for a more expedient manner in which a board of county commissioners may move to lay out, alter or to vacate a road. Current language requires the signature of 12 householders to apply to the board of county commissioners in order for this process to occur. The proposed language before you is of help to the board of county commissioners as well as the landowner as it would require the signature of only a single petitioner or landowner. The proposed language also eliminates the need for a petitioner to post a bond. In speaking with several county engineers in Kansas, they have indicated the stricken language is no longer appropriate in this process. The Kansas Association of Counties respectfully requests passage of this bill.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services as well as a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to the KAC by calling (785) 233-2271.

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House Transportation Committee
March 16, 1999
Attachment 2