

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Senator Les Donovan at 8:30 a.m. on March 13, 2002 in Room 245-N of the Capitol.

All members were present except: Senator Goodwin

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

Conferees appearing before the committee: Representative Compton
Senator Adkins
Dean Carlson, Secretary, KDOT
George Barbee, KS Consulting Engineers
Bob Totten, KS Contractors Assn.
Butch Spray, Associated Gen'l Contractors

Others attending: See attached list

HB 2658: Re naming part of US 400, Clayton J. Connell memorial highway

Representative Mary Compton advised members the Fredonia City Council contacted her requesting introduction of a bill honoring Clayton J. Connell. Her testimony includes a brief biography of Mr. Connell (Attachment 1). In order to keep this bill in line with other highway naming bills, the Chair asked for a conceptual amendment to require that signs would not be installed until the Secretary of KDOT receives sufficient moneys from gifts and donations to be reimbursed for the cost of placing such signs. Senator Salmans moved to adopt the requested amendment. Senator Schodorf seconded the motion. Motion carried.

Senator Adkins requested an amendment to recognize Senator Ben Vidricksen, "Mr. Highways," for his years of service to the citizens of the State of Kansas. The request is for the highway section from the junction of interstate highway 135 with interstate highway 70, south on interstate highway 135 to the southern boundary of Saline county to be designated the Ben E. Vidricksen highway (Attachment 2). Senator Schodorf moved to adopt the amendment. Senator Jackson seconded the motion. Motion carried.

Dean Carlson, Secretary, Kansas Department of Transportation, requested an additional amendment on this bill dealing with authorization for highway demonstration projects. He explained the reasons behind his request. Members discussed the impact this would have on the current "low bidder" approach to transportation projects. Secretary Carlson cited the Atchison River Bridge as a project where such authority would be a useful tool to have in dealing with an "emergency" event. He further added that this is really geared toward projects where new ways of doing things would be desirable (Attachment 3).

George Barbee, Kansas Consulting Engineers, added his support for the Senator Ben Vidricksen highway. He advised that his organization has not seen the Secretary's proposed amendment, but that there are many ways to deliver a design and construction project. They are not opposed to "design" bills, but they are very concerned about the processes and how you go about selecting the people to do this. They are concerned and would like to further discuss what the process would be (no written testimony).

Senator Harrington suggested this proposed amendment not be added to **HB 2658**, but conceptually introduced through the exempt Federal & State Affairs Committee as a separate bill to be referred to Transportation Committee for a full hearing.

Bob Totten, Kansas Contractors Association, Inc. testified in opposition to Secretary Carlson's proposed amendment. Because the design build program is based on subjective data and information, they feel there are too many pitfalls and opportunities for a political clout and

CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE at 8:30 a.m. on March 13, 2002 in Room 245-N of the Capitol.

patronage system to evolve. They are especially concerned about a project being completely financed by one company as most Kansas companies could not finance a project on their own (Attachment 4).

Butch Spray, Associated General Contractors of America, also spoke in opposition to this proposed amendment. It limits the ability of contractors to compete. Procedures need to be refined. He sees no limiting factors. It is too wide open in scope. Mr. Spray did not provide written testimony. There were no more conferees and the hearing on **HB 2658** was closed.

Final action

HB 2794 deals with 48-hour transport permits for non licensed car dealer auctioneers. At the hearing on March 12 a proposed amendment was offered to include an extra reassignment on certificates of title. Today, we have a proposed additional amendment which, hopefully, will alleviate some of the expressed concerns. This amendment would raise the time to 72 hours and increase the fee from \$2.00 to \$3.00. Senator Schodorf moved the amendment. Senator Salmans seconded the motion. Members discussed implications of these changes. Motion carried. Senator Schodorf moved to amend the bill to include an extra reassignment on certificates of title and the necessary technical changes. Senator Harrington seconded the motion. Motion carried. Senator Schodorf moved to recommend **HB 2794**, as amended, favorable for passage. Senator Harrington seconded the motion. Motion carried.

Staff reported no findings to indicate that **HB 2699**, which would prohibit covering license plates with plastic materials, would negatively impact tourism in the state. It was further reported that manufacturers of these covers frankly stated their purpose was to block reading the information on license plates. There has been no problems with the general public in states where such coverings are prohibited. There was a request to again pass over the bill, so no action taken.

The Committee returned to **HB 2658**. Members expressed concern as to the scope of the highway demonstration projects and felt that insufficient information was available to include Secretary Carlson's amendment in this bill. There was no motion to adopt this amendment. It was agreed a bill on highway demonstration projects would be introduced through Federal & State Affairs Committee. If timing permits, that bill would then be scheduled for hearing in this Committee, Tuesday, March 19, 2002. Senator Jackson moved to recommend passage of **HB 2658** as amended favorable for passage. Senator Harrington seconded the motion. Motion carried.

The Committee Chair asked that all those with questions and concerns regarding highway demonstration projects meet and work out their differences prior to a hearing on the bill.

Approval of minutes

Senator Harrington moved to approve minutes of the March 7, 2002 meeting. Senator Schodorf seconded the motion. Motion carried.

The meeting adjourned at 9:30 a.m.

The next meeting is scheduled for March 14, 2002

March 13, 2002

Thank you Senator Donovan and members of the Transportation Committee for the opportunity to appear before you today. I am asking your consideration of HB 2658.

The Fredonia City Council contacted me to introduce this bill in memory of a man who worked from an idea stage to the finish of a super-two highway from Wichita to Joplin.

Southeast Kansas was in need of a highway for economic development, and transportation needs.

We are asking a small section, about ten miles from Fredonia to Neodesha to bear Clayton J. Connell's name. The two signs will cost about \$350 and we are expecting donations to cover the cost.

Clayton J. Connell worked with Congressman Bob Whitaker in the early 80's. He was appointed to the Highway Task Force and worked tirelessly with the legislature until the first Comprehensive Highway Plan was passed for 400 East to be built replacing 96 Highway. Clayton was at every meeting concerning 400 East. He lived to see it come to Fredonia, but did not see it continued to Parsons. When his health deteriorated, he went to live with his son in Texas. Bill asked if he wanted to go by the home place before leaving town and he just wanted to drive on 400 one more time.

When the Comprehensive Highway bill was signed, Clayton was instrumental in having Governor Mike Hayden come to Fredonia for the signing. I have asked Governor Mike Hayden to come back to Fredonia and dedicate these signs when they are placed. He has consented to do this. We would appreciate your support.

I have attached a resume to my remarks. He was well known in our community and with the people involved with the highway plans.

I will stand for questions.

Mary Compton

Representative 13th District

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ATTACHMENT: 1

1-1

Clayton Jefferson Connell
June 24, 1911 - August 3, 1998

Clayton J. Connell was born June 24, 1911, at Fall River, Kansas to Johnnie and Elizabeth (Proehl) Connell. After graduation from Fall River High School in 1928, he attended Fredonia business college, earning his associate's degree in business. On May 2, 1932, he married Grace L. Gerrard at Eureka. They had two sons, Billie and Jack. Jack lost his life in service to our country. Mr. Connell was appointed postmaster at Fall River on January 1, 1935, and became a rural mail carrier in 1942. He moved to Fredonia in the early 1970's. Mr. Connell retired as a rural mail carrier in 1982.

He was a member of the First United Methodist Church in Fredonia and Masonic Lodge No. 163 in Fall River.

Mr. Connell officiated high school and college football and basketball games for more than thirty years. He was appointed to work several state basketball tournaments during his career as a referee.

During the 1980's, Mr. Connell was a member of the Highways For Progress group of volunteers, organized by U.S. Rep. Bob Whittaker to lobby for improvement to southeast Kansas' Highway system. Mr. Connell was appointed by Governor Mike Hayden to the Governor's Highway Task Force to study and implement a comprehensive highway program for the state of Kansas. Gov. Hayden eventually signed a ten-year improvement project in 1989 that created the new U.S. Highway 400 corridor from Wichita through southeast Kansas to Joplin. The highway section to Fredonia opened on August 24, 1998, just three weeks after Mr. Connell's death on August 3, 1998.

Mr. Connell is buried at the Fredonia City Cemetery along with his wife, Grace, and son, Jack. He is survived by a son Billie, daughter-in-law Joanne, three grandchildren, and several great-grandchildren.



SENATOR DAVID ADKINS

COMMITTEE ASSIGNMENTS:

Chair, Committee on Reapportionment
 Vice Chair, Committee on Ways and Means
 Chair, Joint Committee on Corrections and Juvenile Justice Oversight
 Member, Committee on Judiciary
 Member, Kansas Children's Cabinet
 Member, Executive Committee, Council of State Governments and Midwestern Legislative Conference

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Mr. Chairman and members of the committee:

I am requesting that you consider amending House Bill 2658 to recognize the leadership and statesmanship of a distinguished former Senator whose passion for Kansas highways and travel shaped a legacy of service that is worthy of such an important designation. Senator Vidricksen's love for our state is reflected in his many years of service as a state senator, his leadership of this committee, his service on the Kansas Turnpike Authority, his work to boost Kansas tourism and his service as assistant majority leader. Senator Ben was truly "Mr. Highways" and it seems only proper that we would take this opportunity to recognize his service to the citizens of Kansas in a way that I believe would mean a great deal to him. I appreciate your consideration of this request and urge your favorable action.

Amend House Bill 2658 as follows:

Insert the following:

Section 2. From the junction of interstate highway 135 with interstate highway 70, south on interstate highway 135 to the southern boundary of Saline county is hereby designated the Ben E. Vidricksen highway. The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is the Ben E. Vidricksen highway, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

And by renumbering the remain sections accordingly;

In the title, in line 10, after "highway" by inserting ";designating part of interstate 135 as the Ben E. Vidricksen highway."

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ATTACHMENT: 2

(4) Not more than two highway demonstration projects per year for the purpose of demonstrating advanced technologies or innovative financing, design, construction and performance guarantee. The secretary is authorized to procure such demonstration projects in the same manner as engineering services are procured under K.S.A. 75-5801, et seq., and amendments thereto, and such demonstration projects need not comply with the provisions of K.S.A. 68-410 or 75-430a, and amendments thereto, or any other applicable statute to the procurement of state highway construction contracts.

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— SENATE TRANSPORTATION —
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ATTACHMENT: 3

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Testimony

By the Kansas Contractors Association

before the Senate Transportation Committee regarding

HB 2658

March 13, 2002

Mr. Chairman and members of the Senate Transportation Committee, I am Bob Totten, Public Affairs Director for the Kansas Contractors Association. Our organization **represents over 400 companies** who are involved in the construction of highways and water treatment facilities in Kansas and the Midwest.

Today, I want to thank you for allowing me to testify in **opposition** to the amendment being offered on House Bill 2658. Our organization is not opposed to the bill as passed by the House but we are opposed to the amendment proposed by KDOT Secretary Dean Carlson.

This amendment is similar to the language that was passed in the transportation program in 1999 and although we didn't oppose the legislation then, we are opposed to the legislation this time.

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4-1

3) There is a grave concern from some of our members that there is too much of an opportunity to do something illegal. In the lowest, competitive bid process we presently have, our members are on the same playing field. If they are the lowest bid on the job, they get the work. Under the design build program, it is not always the lowest and best bid that is selected. Some times it is based on subjective data and information and in essence could be up to the discretion of KDOT. With that discretion, KDOT projects might be left up to those who had the most political clout and the patronage system might evolve. Bottom line, the KCA is opposed to one company being favored over another.

There just seems to be too many pitfalls and for the previous reasons mentioned, we oppose the legislation. I will be glad to stand for questions.

1) the proposed amendment calls for up to two projects a year. In 1999, the transportation program called for only one design build project. It was for demonstration purposes. Our organization evaluated the one design build project and we didn't think it was fair to all concerned. Due to that, we feel additional projects under this system are unwarranted and will not be fair to all involved.

2) We feel that the projects outlined in this legislation are not defined and may end up with a situation none of us want. For all we know the projects Mr. Carlson is considering right now...may become something different under a different Secretary of Transportation.

The Secretary of Transportation is given too much latitude in this legislation. In this measure, it allows KDOT to consider a project that is completely financed by one company. We don't believe that type of situation should be allowed since most companies can't finance a project on their own.

For example, in New Mexico, there was a design build project recently completed that was over 100 miles in length. Such a large project only attracted a few bidders and if we did something like that in Kansas, we feel many of our members would be precluded from being considered. It would almost guarantee a company from out of state could get the job. That would mean Kansas taxpayers would be helping to benefit a company from out of state and I don't believe that was the idea when the 1999 Transportation program was passed.