

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on March 13, 2008 in Room 519-S of the Capitol.

All members were present except:

Representative Jerry Henry- excused

Committee staff present:

Hank Avila, Kansas Legislative Research
Bruce Kinzie, Revisor of Statutes Office
Betty Boaz, Committee Assistant

Conferees appearing before the committee:

Tom Whitaker, Exec. Director, KS Motor Carriers Association
Senator Ralph Ostmeyer
Representative Virgil Peck
Representative Jene Vickrey
Terry Heidner, Legislative Liaison, KDOT
Randy Mettner, Adjutant General's Department
Eric Stafford, Associated General Contractors

Others attending:

See attached list.

Chairman Hayzlett opened the meeting by opening hearings on **SB 522**.

SB 522 - Fleet Registration for Motor Vehicles

The Chairman recognized Tom Whitaker, Exec. Director, KS Motor Carriers Association as the first proponent. (Attachment #1) He said **SB 522** would allow additional vehicles to be registered under the provisions of KSA 8-1, 152, which concerns fleet motor vehicles. According to Mr. Whitaker, this section of law only applies to fleets of 250 or more vehicles which weigh 26,000 lbs. or less and are state assessed for property tax purposes. He said after discussions with the Motor Vehicle Division he would like to make the following amendment: Beginning on line 35, add the wording, "Except for vehicles registered for more than 24,000 lbs., registration" and delete the words "License plates." This amendment allows the transfer of a vehicle registration for those fleet vehicles in excess of 24,000 lbs.

There were no other proponents and no opponents. After members questions were answered, Chairman Hayzlett closed the hearing on **SB 522**.

Chairman Hayzlett opened the hearings on **SB 523**.

SB 523 - Designating Part of Kansas Highway 25 as the Great Plains Indian Highway

According to Senator Ostmeyer (Attachment #2) the Communities of Rawlins and Thomas County and communities in Southwest Nebraska are pursuing Kansas legislation to officially designate the 43 mile corridor of Kansas Highway 25 in Rawlins and Thomas Counties to Interstate 70 as the Great Plains Indian Highway. This designation to extend from I-80 in Nebraska to I-70 in Kansas when completed. A letter from the Rawlins County Economic Development Director and a map were included in the testimony.

There were no other proponents and no opponents. Chairman Hayzlett closed the hearing on **SB 523**.

The Chairman opened hearings on **HB 2926**.

HB 2926 - Agreements Between Cities and KDOT for Demolition of Abandoned Homes in Flood Areas

The Chairman recognized Representative Virgil Peck. (Attachment #3) Representative Peck told the Committee that in June of 2007, flood waters entered 549 residential and commercial structures in the

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 13, 2008 in Room 519-S of the Capitol.

Coffeyville Community damaging over 400 homes and affecting over 70 business and non-profit entities. He said the flood waters also carried 90,000 gallons of oil into the community. Representative Peck said **HB 2926** would authorize cities and counties in the flood-affected area to request assistance from KDOT to help demolish flood-damaged structures. He said this authority would last for five years. Representative Peck showed pictures of the flooding in the Coffeyville area. He stood for questions.

Representative King (no written testimony) came forward to support passage of **HB 2926**. He said this bill would allow use of existing resources from KDOT at the lowest cost possible.

Representative Vickrey came forward to offer testimony prepared by Bret Glendening, Osawatomie City Manager who could not attend the meeting. (Attachment #4) According to testimony it is the City of Osawatomie's position that they will be faced with condemning structures where reconstruction and/or demolition of the property has ceased. Letters had been sent to 26 property owners in the flood area and ten of those 26 responded that their property had been taken over by the financing company and other letters were returned unclaimed. Representative Vickrey read testimony stating if the City of Osawatomie has to condemn and demolish these structures it could cost in the area of \$50,000 at a minimum. He concluded by saying that the money spent by the city, which will go uncollected, and ultimately, after three years, the vacant lot upon which an old flood house once sat, will end up on the tax sale.

The Chairman recognized Terry Heidner, Legislative Liaison, KDOT as the next proponent. (Attachment #5) Mr. Heidner said that although KDOT emergency activities do periodically include debris removal, they do not include entering onto private property to do demolition work. He said "KDOT employees are neither trained nor equipped for this type of activity, especially when the structures to be demolished could contain petrochemical plant effluent, molds, and sewage-spawned bacteria, as well as other, non-flood-related hazardous materials." He concluded by saying KDOT, however, remains committed to supporting the state during disaster recovery efforts.

Randy Mettner, Executive Officer to the Adjutant General of Kansas, was the next proponent. (Attachment #6) According to Mr. Mettner, The Kansas National Guard is and has been mainly a response force to come to the aid of communities quickly in times of emergencies. He said this bill would change the mission of the Guard. He said they have assisted in demolition and debris removal at times such as Greensburg and even in the ice storm but limited to response. This bill would put the Guard into the recovery phase of a disaster and it presents the Guard with many challenges that should be considered. These concerns include cost for troops and equipment, fuel, travel, lodging, plus the pay of the soldiers on state active duty (estimated at \$7,000 per day.) There is also the problem that the majority of the soldiers have full-time jobs and this would require them to leave their employment for a mission other than response or military training. Mr. Mettner concluded his testimony by saying their last concern is the fact that the Guard has concerns anytime there may be competition with private contractors or businesses. However, Mr. Mettner said the National Guard is always ready to respond to any emergency and they do support the concept of helping the cities and counties.

The Chairman recognized Larry R. Baer, Assistant General Counsel, League of Kansas Municipalities, as the last proponent. (Attachment #7) Mr. Baer explained that **HB 2926** would allow cities to request equipment and personnel from the Kansas National Guard and Kansas Department of Transportation to demolish residential structures located within the city that were damaged by certain floods occurring in 2007. He said the National Guard or KDOT would furnish such equipment and manpower as deemed appropriate and as their particular work loads permit with the demolition work being done at no cost to the requesting city. **HB 2926** gives cities an alternative when faced with the question of being able to afford to undertake the demolition of these properties.

There were no other proponents. After all questions were answered the Chairman called for Opponents to **HB 2926**.

The Chairman recognized Eric Stafford, Associated General Contractors of Kansas, Inc. as the only opponent. Mr. Stafford explained that the Associated General Contractors of Kansas is a trade association representing the commercial building construction industry, including general contractors, subcontractors and suppliers throughout Kansas (except for Johnson and Wyandotte counties). (Attachment #8) Mr. Stafford said they

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 13, 2008 in Room 519-S of the Capitol.

feel demolition of homes in devastated areas should be done by private companies because the Environmental Protection Agency designates a damaged home as either a structure posing a risk of collapse, or a structure that can be entered but has some kind of contamination (such as asbestos) or a structure that can be demolished without environmental issues. Depending upon the structure there are numerous EPA permits, notices and other guidelines that must be followed. The Associated General Contractors of Kansas, Inc. urged the Committee to not support **HB 2926** for passage.

After all Committee members' questions were answered, the Chairman closed the hearing on **HB 2926**.

It was the Chairman's desire to work **SB 462**. Chairman Hayzlett called for discussion, questions or motions on this bill. Representative Peck made a motion to favorably pass **SB 462**, seconded by Representative Swanson, the motion was amended by Representative Peck to place this bill on the Consent Calendar. The motion carried.

The Chairman opened **SB 509** for discussion, motions or questions. Representative Vickrey made a motion to favorably pass this bill to the Consent Calendar, seconded by Representative Wetta and the motion carried.

There being no further business before the Committee, the meeting was adjourned. The next meeting will be on March 18, 2008, at 1:30 p.m., in Room 519-S.

HOUSE TRANSPORTATION COMMITTEE

DATE 3-13-08

NAME	REPRESENTING
Tom Whitaker	KS MOTOR CARRIERS ASSN
KEVIN GREGG	KMCA
Larry R Base	LKM
Bob Totten	K-C-A
Eric Stafford	AGIC of KS

HOUSE TRANSPORTATION COMMITTEE

DATE 3-13-08

NAME	REPRESENTING
Terry Heidner	KDOT
MARK KRENTZ	KDOT
CARMEN ALDRIT	KDOR
DEAWN WILLIAMS	KDOR
ERIC PECK	The Adjutant General
RANDY METTNER	The Adjutant General
SEAN MILLER	CAPITOR STRATEGIES



Kansas Motor Carriers Association

Trucking Solutions Since 1936

Legislative Testimony

**Before the House Transportation Committee
Representative Gary Hayzlett, Chairman
Wednesday, March 12, 2008**

In Support of Senate Bill No. 522

MR. CHAIRMAN AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE:

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear here this afternoon along with Kevin Gregg, KMCA Director of Industry Relations, representing our 1,200 member-firms to request your support of Senate Bill No. 522 and to offer an amendment.

Senate Bill No. 522 would allow additional vehicles to be registered under the provisions of KSA 8-1,152, which concerns fleet motor vehicles. This section of Kansas law only applies to fleets of 250 or more vehicles which weigh 26,000 lbs. or less and are state assessed for property tax purposes. Our proposal would allow a fleet that meets current requirements for fleet registration to include vehicles over 26,000 lbs. that do not travel beyond the borders of Kansas. This would apply to a limited number of trucks belonging to one motor carrier.

After discussion with the Kansas Department of Revenue Division of Vehicles, we request the following amendment, beginning on line 35, to Senate Bill No. 522:

- 35 fleet motor vehicle is deleted from the owner's fleet. *Except for vehicles*
- 36 *registered for more than 24,000 lbs., registration ~~License plates~~* issued
- 37 under this section shall not be transferable to any other fleet motor vehicle.

Our amendment will allow the transfer of a vehicle registration for those fleet vehicles in excess of 24,000 lbs.

The Kansas Motor Carriers Association respectfully requests that the House Transportation Committee pass favorably Senate Bill No. 522 as amended. I thank you for the opportunity to appear before you today, and would be pleased to respond to any questions you may have.

House Transportation
Date: 3-13-08
Attachment # 1

Mike Miller
Miller Trucking, LTD
President

Calvin Koehn
Circle K Transport, Inc.
Chairman of the Board

Michael Topp
TT&T Towing, Inc.
First Vice President

Larry Dinkel
Mitten Trucking, Inc.
Second Vice President

Greg Orscheln
Midwest Express Corp.
Treasurer

Larry "Doc" Criqui
Kansas Van & Storage
Criqui Corp.
Corporate Secretary

Jerry Arensdorf
Arensdorf Grain & Feed, Inc.
ATA State Vice President

Ken Leicht
Rawhide Trucking, Inc.
ATA Alternate State VP

Mike Ross
Ross Truck Line of Salina, Inc.
ProTruck PAC Chairman

Jeff Robertson
JMJ Projects
Public Relations Chairman

Dave Eaton
Cummins Central Power, LLC
Allied Industries Chairman

Tony Gaston
Rawhide Trucking
Foundation Chairman

Tom Whitaker
Executive Director

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

RALPH OSTMEYER
SENATOR, 40TH DISTRICT
P.O. BOX 97
GRINNELL, KS 67738-0097

STATE CAPITOL
300 S.W. 10TH, ROOM 262-E
TOPEKA, KS 66612-1504
(785) 296-7399
ostmeyer@senate.state.ks.us

COMMITTEE ASSIGNMENTS

VICE-CHAIR: NATURAL RESOURCES
MEMBER: AGRICULTURE
EDUCATION
FEDERAL AND STATE AFFAIRS
JOINT COMMITTEE ADMINISTRATIVE
RULES AND REGULATIONS

March 11, 2008

Chairman Hayzlett and members of your committee. Thank you for allowing me to appear before you today representing Rawlins and Thomas County Economic Development. These communities and communities in Southwest Nebraska are pursuing Kansas legislation to officially designate the 43 mile corridor of Kansas Highway, 25 in Rawlins and Thomas counties to Interstate 70 as the Great Plains Indian Highway. This designation would extend from I-80 in Nebraska to I-70 in Kansas when completed.

I've included a letter and map and would answer questions at the appropriate time.

Senator Ostmeyer

A handwritten signature in cursive script that reads "Ralph Ostmeyer". The signature is written in black ink and is positioned below the printed name.

House Transportation
Date: 3-13-08
Attachment # 2



Rawlins County Economic Development
112 S4th St
Atwood, KS 67730
(785) 626-3640
rce.d@atwoodtv.net

The Great State of Kansas
c/o State Legislators
Topeka, KS

Monday, February 18, 2008

Dear Kansas Legislators:

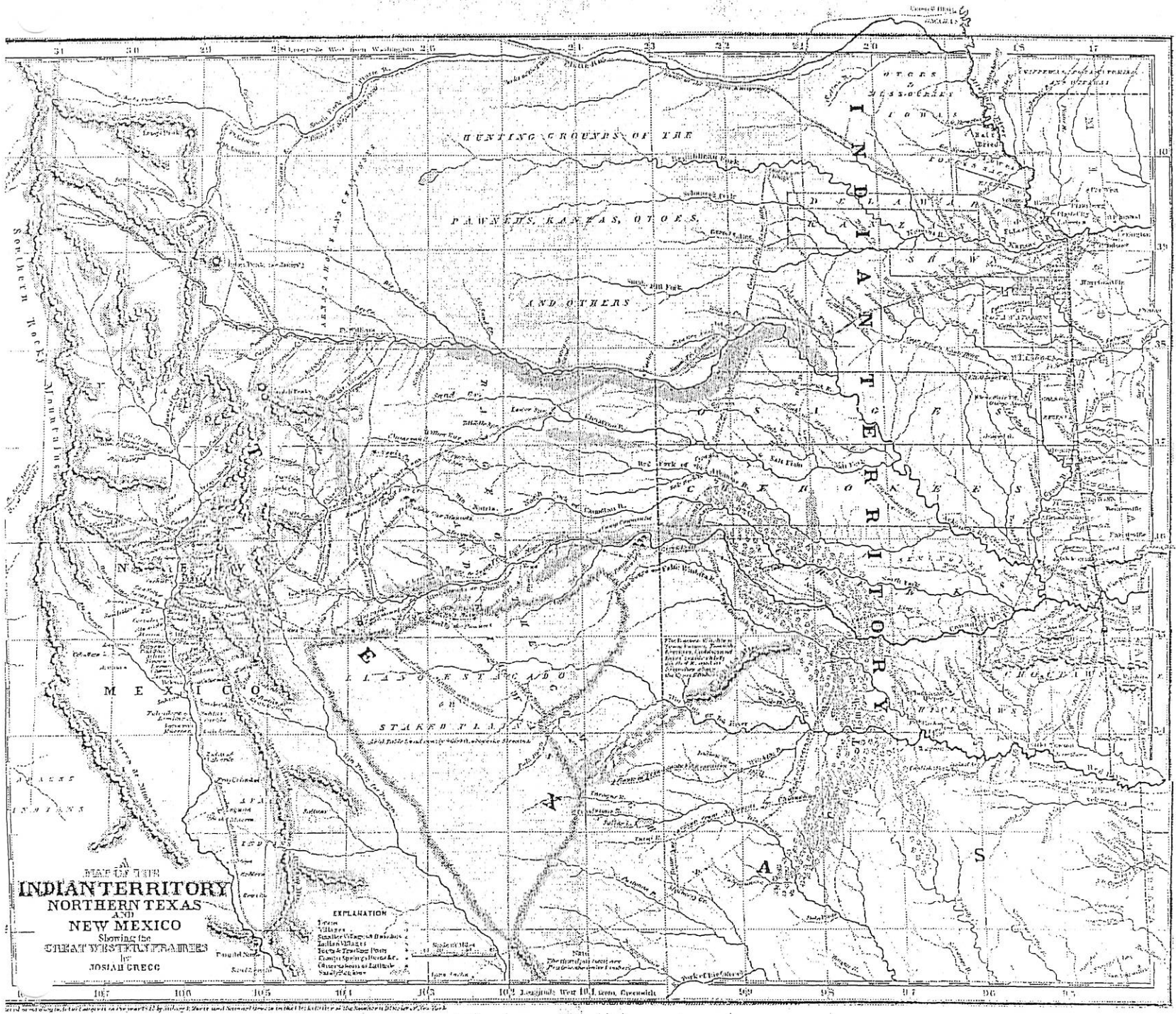
The Kansas - Nebraska Highway 25 Association, which is composed of business & members from northwest Kansas communities of Atwood and Colby and southwest Nebraska communities of Sutherland, Wallace, Hayes Center, Palisade and Trenton, have commissioned a committee to pursue Kansas legislation to officially designate the 43 mile corridor of Kansas Highway 25 in Thomas and Rawlins Counties as the Great Plains Indian Highway. This will match the 87 miles from the Kansas / Nebraska State Line north to I- 80 in Nebraska, which was designated as the Great Plains Indian Highway by the Nebraska Legislature in October 2004. This stretch of Highway 25 would take historians, visitors and travelers interested in the beauty of the land and native Indian people, through the heart of the Great Plains Indian buffalo hunting grounds (see attached Josiah Gregg's 1844 A Map of the Great Western Prairies Indian Territory). In addition, this route takes claim to being the shortest route between the two major Interstate Highways.

Our committee has done a great deal of research in visiting local historians and archivists. We have learned that Highway 25 intersects the Ladder of Rivers in northwest Kansas and southwest Nebraska, which the Great Plains Indians followed in their south to north migration, is in direct correlation with the huge buffalo herds which once roamed the area. Historical archives found in each Community located on or near Highway 25 produced numerous sources and found that the Arapahoe, Cheyenne, Pawnee, Sioux and Comanche Indian tribes, at one time or another for many centuries migrated or inhabited this area along the many rivers and creeks which Highway 25 intersects. Evidence of flint, stone tools, campsites, burial grounds and many other artifacts indicate that this particular segment of northwest Kansas and southwest Nebraska is steeped deep in the unwritten history of the Great Plains Indians. It's believed that Sioux Chief Crazy Horse was born on the Republican River near the Kansas / Nebraska border and native northwest Kansans and southwest Nebraskans tell stories of locations in the Arikaree Breaks, Oak Canyon, Beaver, Driftwood and Sappa Creek Valleys where these great Indian tribes camped and hunted buffalo. Although we are unable to substitute these facts with history books or references, it is very evident that the 5 different tribes inhabited the Highway 25 area for centuries. The members of the Kansas - Nebraska Highway 25 Association feel that it would be appropriate to bring notice and give tribute to the Native American of the Great Plains and promote travel and tourism for northwest Kansas.

On behalf of the Association and Rawlins County Economic Development we would like you to consider our endeavor to name the above mentioned stretch of Kansas Highway 25 The Great Plains Indian Highway a noble one. We would greatly appreciate your support. Thank you.

Respectfully,

Chris Sramek, Director
Rawlins County Economic Development
Vice President - Kansas Nebraska Highway 25 Association



MAP OF THE
INDIAN TERRITORY
 NORTHERN TEXAS
 AND
 NEW MEXICO
 Showing the
 GREAT WESTERN PRAIRIES
 BY
 JOSIAH CRECC

EXPLANATION
 Indian Villages
 Southern Comanche Bands &
 Kiowa Villages
 Kiowa & Comanche Villages
 Comanche Springs & Wells
 Comanche Springs & Wells
 Comanche Springs & Wells

STATE OF KANSAS

VIRGIL PECK, JR.

REPRESENTATIVE, DISTRICT 11

BOX 277

TYRO, KANSAS 67364

STATE CAPITOL - RM 411-S

TOPEKA, KANSAS 66612

(785) 296-7641



COMMITTEE ASSIGNMENTS:

VICE-CHAIRMAN: TRANSPORTATION

VICE-CHAIRMAN: LEGISLATIVE POST AUDIT

MEMBER: INSURANCE AND FINANCIAL
INSTITUTIONS
TAXATION

HOUSE OF REPRESENTATIVES

Testimony Regarding HB 2926

March 13, 2008

On June 30th of 2007 Coffeyville experienced a major flood event unlike any other in its 139 year existence. Verdigris River flood waters exceeded the height of the levee that was built to protect our city by nearly four (4) feet. The flood waters covered approximately 25% of our community. To make matters worse, the flood waters also carried 90,000 gallons of oil into our community.

The damage left behind as the waters receded was devastating. Water entered 549 residential and commercial structures in our community damaging over 400 homes and affecting over 70 business and non-profit entities including 6 hotels, 5 restaurants, 4 convenience stores/gas stations, 2 mobile home parks, a grocery store and 3 churches. Due to the period of time the water stood in our community, the majority of the structures impacted by the flood will be demolished. To date, 39 businesses remain closed with only a few of that group still working to reopen.

With the loss of roughly 400 homes and 39 businesses, Coffeyville will see a decrease in its tax base as well as a decrease in utility revenues. The city must fund its share of repairs to its own facilities and the levee which are estimated at a total of \$5.8 million. Therefore, Coffeyville is not in a good financial position.

HB 2926 would authorize cities and counties in the flood-affected disaster area to request assistance from KDOT to help demolish flood-damaged structures. This is necessary because the actual demolition of many flood-damaged structures will occur months or years from now, long after emergency authority for state assistance has expired. The authority would last for five years.

House Transportation
Date: 3-13-08
Attachment # 3



To: Representative Jene Vickrey

From: Bret Glendening; Osawatomie City Manager

Re: HB 2926

Date: March 12, 2008

Thank you for providing this written testimony regarding HB 2926 to the Kansas House of Representatives' Committee on Taxation. The City of Osawatomie, while it is much farther ahead in its recuperation process than many cities affected by the floods in 2007, still has a fair amount of work to do in terms of homes that were damaged, yet remain incomplete in their reconstruction process.

Earlier this year, we sent letters to 26 property owners in the flood area who appeared to have ceased reconstruction and/or demolition of their properties. We provided these homeowners with 30 days to file with the city their plan for rehabilitation/reoccupation. Many owners responded, a handful were cited for zoning and/or nuisance violations, and 10 of those 26 either responded that their property had been taken over by the financing company, or their certified letters were returned unclaimed.

It is the city's position that we will be faced with condemning these structures. On average, a demolition bill from a contractor runs between \$5,000 and \$7,000, depending on the size of the structure. If the City of Osawatomie has to condemn and demolish these structures ourselves, we are looking at spending a minimum of \$50,000. This figure does not take into consideration publication expenses, certified mailing requirements, staff time, etc. While I certainly understand the concern from the state of competing with private contractors, we also must face reality. Most cities (Osawatomie included) do not have the funds at this point in time, to start mass condemnation proceedings and most individuals affected by this flood do not have sufficient resources available either. Therefore, the condemnation of these structures will be prolonged or delayed over the course of several months, if not a few years. Money will be spent by the city, which will go uncollected, and ultimately, after 3 years, the vacant lot upon which an old flood house once sat, will end up on the tax sale. Having state resources available to assist in the demolition of these structures would be greatly appreciated.

House Transportation
Date: 3-13-08
Attachment # 4

**TESTIMONY BEFORE
HOUSE TRANSPORTATION COMMITTEE**

**REGARDING HOUSE BILL (HB) 2926
Concerning demolition of flood-damaged private property**

March 13, 2008

Mr. Chairman and Committee Members:

I am Terry Heidner, Kansas Department of Transportation's (KDOT) Legislative Liaison and I am here to provide testimony on HB 2926, concerning the demolition of flood-damaged private property in southeast Kansas.

HB 2926 would require KDOT (and allow the Kansas National Guard) to provide the equipment and personnel necessary to demolish severely flood-damaged residential structures when requested by any city in any county declared eligible to receive federal assistance by the Federal Emergency Management Agency (FEMA) disaster declaration FEMA-1711-DR. KDOT personnel and equipment would be provided at no cost to the city as the Secretary of Transportation deems appropriate and as work schedules allow. The provisions of this bill would expire on July 1, 2013.

KDOT's current emergency mission is to maintain the integrity and usefulness of the transportation system and to provide other support activities to restore traffic movement and protect citizens' health and safety. Although KDOT emergency activities do periodically include debris removal, they do not include entering onto private property to do demolition work. KDOT employees are neither trained nor equipped for this type of activity, especially when the structures to be demolished could contain petrochemical plant effluent, molds, and sewage-spawned bacteria, as well as other, non-flood-related hazardous materials.

However, KDOT remains committed to supporting the state during disaster recovery efforts as we have historically done in the past. For instance, during the aftermath of the Greensburg tornado in 2007, KDOT was able to effectively move debris from destruction and demolition after it had been moved off private property and onto public roads. (It is important to note that there were (non-KDOT) trained personnel on-site identifying hazardous materials before KDOT moved the debris to the appropriate dumping locations.) KDOT remains supportive of providing similar services to those affected by the flood disaster in southeast Kansas.

Thank you for your time, I will gladly stand for questions.

House Transportation
Date: 3-13-08
Attachment # 5

OFFICE OF THE SECRETARY OF TRANSPORTATION
Dwight D. Eisenhower State Office Building

700 S.W. Harrison Street; Topeka, KS 66603-3745 • (785) 296-3461 • Fax: (785) 296-1095

TTY (Hearing Impaired): (785) 296-3585 • e-mail: publicinfo@ksdot.org • Public Access at North Entrance of Building

Testimony on House Bill 2926

To the House Transportation Committee

Randy Mettner

The Executive Officer to the Adjutant General of Kansas

Thursday, March 13, 2008

Mr. Chairman and members of the Committee:

I am Randy Mettner and I am here today on behalf of Major General Tod Bunting the Adjutant General and the Director of Homeland Security for Kansas. Thank you for allowing me to comment and speak in support, with some reservations, of HB 2926 which provides for cities that were damaged by the floods of last year to request the National Guard and the Department of Transportation to demolish residences at no cost to the cities.

First the Governors staff plus the Adjutant General and his staff were involved in many discussions in the last year with legislative leaders on how to best assist counties and cities that have been devastated by four federal declared disasters. The floods of south east Kansas were designated as DR-1711. Along with the oil spill in Coffeyville many communities had damage not only residences and business property but infrastructure like water treatment plants and sewer systems. Many of the same counties and cities also had to deal with the two ice storms.

House Transportation
Date: 3-13-08
Attachment # 6

One of the needs of the cities will be the demolition of properties that are substantially damaged. There is an estimation of 300-350 homes that may be involved. This does not include the ones that the Coffeyville refinery has purchased and is removing or the estimated 35 properties that have insurance to cover their removal. We are looking at 300 plus in 10 different communities that should be removed in a timely manner. That is the challenge for the communities and all others that want to help them.

The Kansas National Guard is and has been mainly a response force to come to the aid of communities quickly in times of emergencies. This bill would change the mission of the Guard. We have assisted in demolition and debris removal at times such as Greensburg and even in the ice storm but limited to response. This bill would put the Guard into the recovery phase of a disaster and it presents the Guard with many challenges that should be considered.

First is the cost for National Guard troops and equipment is substantial as they must operate as a military force with drivers and assistant drivers, an Officer in Charge (OIC), and a medic along with the equipment operators and mechanics. Further cost of fuel, travel, lodging, plus the pay of the soldiers on state active duty is estimated at \$7,000 a day. The next challenge is that the majority of the soldiers that would perform this function has full time jobs and would require them to leave their employment for a mission other than response or military training. The other issues are asbestos removal and hazardous waste removal that would have to be contracted outside the Guards functions. Other issues include the matter of reschedule training plans that are federally required of a military force and future activations and deployments.

The last concern that I will discuss is the fact that the Guard has concerns anytime that there may be competition with private contractors or businesses.

The Kansas National Guard is always ready to respond to any emergency to help out the State of Kansas and her citizens. We stand ready if it is the will of the legislature to perform in any way necessary but we wanted to bring these issues to the committee attention as you deliberate on this bill.

We do support the concept of helping the cities and counties; however it poses many challenges as I have mentioned. We are willing to work with anyone on how best to resolve the issue at hand.

Thanks you and I will be glad to answer any question you may have.



League of Kansas Municipalities

Date: March 13, 2008
To: House Transportation committee
From: Larry R. Baer
Assistant General Counsel
Re: HB 2926
Written Testimony in Support

Thank you for allowing me to submit written testimony in support of HB 2926 on behalf of the League of Kansas Municipalities and its member cities.

HB 2926 is one of a series of bills to be introduced this session to assist the citizens of Kansas in their recovery from the large losses sustained in the many natural disasters that befell Kansas last year. HB 2926 specifically assists cities and, if adopted, would help defray expenses of local governments in removal of certain structures damaged by flood water.

HB 2926 would allow cities to request equipment and personnel from the Kansas National Guard and Kansas Department of Transportation to demolish residential structures located within the city that were damaged by certain floods occurring in 2007. The structures to be removed would have to have been found unsafe, dangerous or abandoned under K.S.A. 12-1750 *et seq.* The National Guard or KDOT would furnish such equipment and manpower as deemed appropriate and as their particular work loads permit. The demolition work would be done at no cost to the requesting city.

K.S.A. 12-1750 *et seq.* permits cities to make a finding, following notice to the owner and other interested parties and an opportunity for hearing, that a property is dangerous or unsafe and require that the owner either repair or remove the structure. If the owner is ordered to remove the structure and either fails, neglects or refuses to do so, it is then the city's decision to either demolish the structure or take no further action. Two key elements to be considered when a city is called upon to make this decision are cost and the probability of recovering the cost from the property owner. All too often the cost of demolition is a deterrent to the city to take further action even though the property presents a significant hazard to public safety and welfare.

Thus, if a city feels that it cannot take action to demolish one dangerous structure because of the cost, it can certainly be understood that when faced with many structures needing to be demolished because of widespread flood damage the task will not be undertaken. Or, perhaps it will be undertaken in a piecemeal fashion that requires years to rid the city of the blight and health and safety hazards presented by the damaged structures. Whether the damaged structures are left standing or removed over many years is not good for the city or its residents.

(Over)

www.lkm.org

House Transportation
Date: 3-13-08
Attachment # 7

HB 2926 gives cities an alternative when faced with the question of “can we afford to undertake the demolition of this property (or these properties.” It would allow the city to seek help from state agencies to remedy a citywide problem caused by natural disaster without expense to the city. More importantly, HB 2926 would allow a city to proceed with cleanup and rehabilitation of a flooded district in a more expedient manner. It must be remembered that the cities eligible for this type of assistance have suffered losses, also. These losses include damaged infrastructure, loss of businesses, loss of residential structures and loss of residents. All of this means the potential loss of revenue whether through a decreased property tax base or loss in city provided services.

For these reasons the League of Kansas Municipalities stands in support of HB 2926.

Again, thank you for allowing me to present this testimony today.



Building a Better Kansas Since 1934
200 SW 33rd St. Topeka, KS 66611 785-266-4015

**TESTIMONY OF
ASSOCIATED GENERAL CONTRACTORS OF KANSAS
BEFORE HOUSE COMMITTEE ON TRANSPORTATION
HB 2926**

March 13, 2008

By Eric Stafford, Associated General Contractors of Kansas, Inc.

Mister Chairman and members of the committee, my name is Eric Stafford. I am the Associate Government Affairs Director for the Associated General Contractors of Kansas, Inc. The AGC of Kansas is a trade association representing the commercial building construction industry, including general contractors, subcontractors and suppliers throughout Kansas (with the exception of Johnson and Wyandotte counties).

AGC of Kansas opposes House Bill 2926 and respectfully asks that you do not report it favorably for passage.

The AGC of Kansas feels demolition of homes in devastated areas should be left to private companies. In damaged areas, the Environmental Protection Agency will designate a damaged home as either an A, B or C structure. An A structure poses a risk of collapse and can't be entered. A B structure can be entered but has some kind of contamination, such as asbestos that will need to be addressed. A C structure is one that can be demolished without environmental issues.

In regards to A&B structures, there numerous EPA permits, notices and other guidelines that must be followed. The only companies that are certified for this type of work are remediation contractors. These contractors are currently performing work in the Coffeyville area.

Again, AGC feels cities will benefit most if the demolition work is left to private businesses and not local or state governments or agencies.

The AGC of Kansas **respectfully requests that you do not report HB 2926 for passage.** Thank you for your consideration.

House Transportation
Date: 3-13-08
Attachment # 5