

## MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Les Donovan at 8:30 a.m. on March 21, 2001 in Room 245-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Others attending: See attached list.

### **Approval of minutes**

Senator Salmans moved to approve minutes of the March 14 and 15, 2001 meetings. Senator Harrington seconded the motion. Motion carried.

### **HB 2369: Cities & counties; paving materials, prohibiting the sale thereof**

Members had in front of them a package of balloons containing four different amendments (Attachment 1). The first one, proposed by the Kansas Association of Counties, should do what the counties want done in a fairly simple straightforward way. A big concern from the private sector is that counties with a large production capacity might want to sell outside, as well as inside, their county to other private and public entities. At this time, work is being done to develop language to say counties can work within their own county, but will be precluded from going outside the county.

Several members had a problem with the latter aspect of the bill, especially in counties with small populations and a small tax base when county roads cross adjacent county lines. Currently such counties combine to exchange labor and material resources to complete work across county lines. This system works very well. It is a common practice and they do not wish to see it changed. Discussed the various implications in the bill for interlocal agreements; including whether or not it would preclude interlocal agreements with neighboring states.

The real question being addressed by **HB 2369** is whether or not any government entity with the capability of producing more aggregate than it needs should compete in the market place with the private sector in selling materials to whomever when the county equipment and function is basically paid for by taxpayers' money. Apparently there is a need to let them do some cooperative work, yet not trample on the ability of the private sector to compete in the market place. It was suggested that another possible approach would be to consider whether or not the intent is to stop county expansion into the private sector or to take it back completely. Members discussed provisions in the other proposed balloons. It was pointed out that language could be included to limit selling or otherwise providing materials within the county or adjacent county.

Regarding the proposed balloon from the Kansas Association of Counties, discussed going back to the original language or going with the Association's language. Senator Schodorf moved to adopt the Kansas Association of Counties' amendment. Senator Lyon seconded the motion. Motion carried.

Senator Salmans moved to substitute the word "paving" for "construction" and strike "exclusive" on

CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE at 8:30 a.m. on March 21, 2001 in Room 245-N of the Capitol.

the 3<sup>rd</sup> line of the Kansas Aggregate Producers' Association Proposed Balloon #2 and adopt this amendment. Senator Schodorf seconded the motion. Motion carried.

Senator Salmans made a conceptual motion to allow technical cleanup language in the amended bill. Senator Harrington seconded the motion. Motion carried. Senator Harrington moved to recommend **HB-2369**, as amended, favorable for passage. Senator Schodorf seconded the motion. Motion carried.

**HB 2143: Re traffic; auxiliary driving lamps & fog lamps**

On March 8, 2001, the Committee held hearings and discussed this bill. At that time members had several concerns regarding the bill. Those concerns were repeated in today's discussion. However, since there is considerable pressure outside the Committee to have the bill passed out, the Committee Chair asked for the Committee's recommendation. Senator Harrington moved to pass the bill out without recommendation. Senator Schodorf seconded the motion. Motion carried.

The meeting adjourned at 9:25 a.m.

No further meetings are scheduled at this time