

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 Coffeyville Community damaging over 400 homes and affecting over 70 business and non-profit entities.

CONTINUATION SHEET

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

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). Mr. Stafford said they 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

CONTINUATION SHEET

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

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.