

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:40 A.M. on February 2, 2005 in Room 120-S of the Capitol.

All members were present except:

Mark Gilstrap- excused
Anthony Hensley- excused

Committee staff present:

Bruce Kinzie, Revisors of Statutes
Maggie Breen, Committee Secretary

Conferees appearing before the committee:

Daryl Lutz, Butler County Engineer
Bob Totten, Kansas Contractors Association
Ron Gaches, Experian
Zena Bania, Experian
Toni Roberts, Department of Revenue, Division of Vehicles

Others attending:

See attached list.

SB 94: Roads and highways, contracts

Proponent:

Daryl Lutz, Butler County Engineer, said basically the purpose of the bill is to update the county road bidding statutes to mirror the changes made last year (**SB 449**) to the bidding statutes for bridge projects and benefit district projects. In **SB 94**, they are proposing the reduction of the bid guarantees from 10% to 5% for contractors bidding on projects; increasing the progress payments from 90% of completed work to 95% of completed work for interim projects payments; and allowing bids to be opened by a designee of the Board of County Commissioners as an alternate to being opened in the presence of the Board of County Commissioners, provided that contract documents could be reviewed by a County Counselor as an alternate to the County Attorney. That is basically the mirroring portion of the bill. In addition, after further deliberation by the Kansas County Highway Association, led by the Legislative Committee, proposals were developed in close collaboration with KDOT. This year there are a couple of technical corrections to the current statutes; to add the word "date" to clarify when bids are to be opened; allows the flexibility to award a contract, as long as it's within 110% of the engineer's projected cost; to do the 95% completion work in lieu of 90%; and increase the turn around time from 10 days to 30 days once the contract has been awarded. That's the jest of **SB 94**. (Attachment 1)

Chairman Donovan said since they were so closely associated, he would also hear the testimony on **SB 124 - Roads and highways, classification of** at this time.

Proponent:

Daryl Lutz, said **SB 124** is additional work related to Chapter 68 plus other scattered statutes that have to do with road classifications. The primary thing they are trying to do is go through the statutes and strike out "secondary road(s)" and replace the wording with appropriate terminology given today's federal highway legislation as well as KDOT's. "Secondary" would be replaced with "major collector." It also updates the definitions of rural classifications for the three different county road systems; amends and updates Article 17 of Chapter 68 which defines the process of establishing major collector roads; and amends the road classifications in the sections that provide federal aid funding for County road improvement projects. In addition to the general changes made in the bill, they found that they missed a number of minor technical changes revisions and have an amendment for them. (Attachment 2)

Senator Palmer asked if there were any major policy changes in the bills?. Mr. Lutz said there are policy changes in **SB 94** that he doesn't consider major. They are extending the turn around time from 10 days to 30 days, increasing progress payments from 90% to 95% of completed work, and allowing a bid within 110% of engineer's estimate. Senator Palmer asked why the changes need to be made? First, the cleanup was started last year and these road bidding statutes were just overlooked. And secondly, in today's environment, with bid bonds and project contract bonds progress payments, they just thinks these changes are more reasonable. The most significant thing is the 10% over engineer's estimates.

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:40 A.M. on February 2, 2005 in Room 120-S of the Capitol.

Judy Mohler **SB 94 and SB 124** Written - Proponent (Attachment 3)

KDOT Written **SB 124** Written - Proponent (Attachment 4)

Proponent:

Bob Totten, Public Affairs Director, Kansas Contractors Association, said they concur with **SB 94**. They like what's in the bill, especially allowing the flexibility to award a contract within 110% of the county engineer's estimated cost of the work. That is very helpful to them. They are not so crazy about some of the other things mentioned on page 1, in 36, and 37 which talks about the qualified bidders as defined in the contract documents. They are leery of the wording. Also, the contractors want the signed contract as soon as possible and don't want to see the extra 20 days for turnaround time after the contract has been awarded. Overall they support the bill. (Attachment 5)

SB 119 - Division of vehicles records, statistical reports

Proponents:

Ron Gaches, representing Experian, stated that Kansas provides for very limited use of motor vehicle record information collected by the Division of Motor Vehicles. This is due to a privacy issue. Kansas provides a limited number of exceptions to the general rule of confidentiality, which are detailed in K.S.A. 2004 Supp. 74-2012 (c). **SB 119** proposes one additional exception: (F) Assisting businesses in producing motor vehicle title and/or motor vehicle registration statistical reports, so long as personal information is not published, re-disclosed or used to contact individuals. The purpose of the exception is to allow use of motor vehicle title and registration information for statistical reports attractive to new and used car dealers, parts manufactures, insurance companies, and financial institutions. The statistical reports authorized by the bill would not include information specific to any individual, vehicle or address. (Attachment 6)

Zena Bania, Experian Automotive, a business unit of Experian Information Solutions, which is one of the three major credit bureaus in the U.S. supports the bill. They have over 30 years experience in maintaining highly regulate and highly sensitive credit information on consumers throughout the U.S. They know how to maintain information and the privacy of that information. Experian has a 10 year contractual business relationship with the Kansas Department of Revenue, Division of Motor Vehicles. **SB 119** would permit Experian Automotive to use Kansas motor vehicle records solely in a statistical manner for the marketing purposes already stated. Their prospective customers could benefit greatly from the statistical information. (Attachment 7)

Neutral:

Toni Roberts, Division of Motor Vehicles, said that **SB119** gives the Secretary of Revenue the option to enter into a lesser rate contract for businesses who wish to compile statistical reports on title and registration data, as long as the personal information is not published, re-disclosed, or used to contact individuals. Without the option to enter into a lesser rate contract, it is cost prohibitive for companies, such as Experian, to purchase this data for title and registration statistical purposes. In this case, the company Experian already has the data and they simply can't compile it for statistical reasons because of the contract in place. They don't oppose the bill, they think something good can come from. (Attachment 8)

Final Action

Chairman Donovan said the committee would work **SB 60 - All-terrain vehicles, defined** and reminded the committee that after the bill was written it was discovered that the width needed to be increased to 48 inches and the weight to 1,000 pounds. Senator Petersen moved to amend the bill making these two changes. Senator O'Connor seconded the motion. Motion carried. Senator Wilson moved to pass the bill as amended. Senator O'Connor seconded the motion. Motion carried. Chairman Donovan asked Senator Petersen to carry the bill.

Approval of minutes

Senator O'Connor moved to approve the committee minutes for January 13, 18, 20, 25, and February 1, as written. Senator Schmidt seconded the motion. Motion carried.

The meeting adjourned at 9:24 a.m.

The next meeting is scheduled for February 3, 2005.