

## MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on February 3, 2005 in Room 120-S of the Capitol.

All members were present except:  
Vicki Schmidt- excused  
Anthony Hensley- excused

Committee staff present:  
Hank Avila, Kansas Legislative Research Department  
Robert Waller, Kansas Legislative Research Department  
Bruce Kinzie, Revisors of Statutes  
Maggie Breen, Committee Secretary

Conferees appearing before the committee:  
Ken Gudenkauf, KDOT  
Senator Phil Journey  
Tom Whitaker, Kansas Motor Carriers Association

Others attending:  
See attached list.

### **Introduction of bills**

Ken Gudenkauf, KDOT, said he had a request for 2 bills. The first request is repealing the division of aviation. KDOT is in the process of moving to a multi-modal division which will include rail, transit and aviation all in one. Present law has a division of aviation so it needs to be repealed. KDOT believes they have administrative authority to establish the new division. The second request basically deals with outdoor advertising. They want to introduce a bill that will change some rates and do a lot of administrative stuff on advertising.

Senator O'Connor moved to introduce both bills. Senator Petersen seconded the motion. Motion carried.

### **SB 76 - Motorized bicycle license, habitual violators**

Proponent:

Senator Journey said the main area of practice for him is traffic and criminal law, he's done over 60,000 cases in Sedgwick County. The effect of **SB 76** would be to allow the licensing of individuals, declared to be habitual violator by the Kansas Department of Revenue, to operate a moped. Individuals who have been placed on probation for convictions of crimes such as driving under the influence are required, as a condition of their probation, to attend probation meetings, outpatient substance abuse counseling and Alcoholics Anonymous meetings. They have to get there somehow. The intent of the bill is to give a viable means of transportation to people without transportation so they can get to and from work and/or school, and complete the tasks of their daily lives. (Attachment 1)

### **Discussion**

#### **SB 94: Roads and highways, contracts**

At the time the bill was heard, Senator Donovan asked Mr. Lutz and Mr. Totten to come to an agreement on the number of days allowed for the successful bidder to enter into a contract with the County and to provide the required performance and statutory bonds. The present is 10 days and the bill proposed 30, which was unsatisfactory to the Kansas Contractors Association. The two parties met and came to an agreed of 21 days. Mr. Lutz submitted a proposed amendment changing the days to 21. Bruce Kinzie said there are actually 2 amendments needed to change the days to 21. Change Section 1, Page 2, Line 12 of **SB 94** and add a new section to modify KSA 68-1117 as amended in 2004 by **SB 449**. (Attachment 2)

Senator O'Connor moved to approve both amendments. Senator Petersen seconded the motion. Motion carried.

## CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on February 3, 2005 in Room 120-S of the Capitol.

Senator O'Connor raised a concern on another part of the bill. The portion dealing with qualified bidders as defined in the project contract document. The concern was that they might define the qualifications in such a manner that perhaps only local contractors would be allowed to bid. She asked Chairman Donovan for another day or two to do some checking. After further discussion, Senator O'Connor suggested that if "as defined in the project contract documents" was deleted on line 37, and the word "qualified" on line 36 be left in, this would allow some recourse if someone had an objection to how the bids were being handled. Chairman Donovan said the committee wouldn't take action on the amended bill, he would allow Senator O'Connor some time to work with the people who requested the bill.

### **Final Action**

#### **SB - 124 Roads and highways, classification of**

Senator Palmer moved to introduce SB 124. Senator O'Connor seconded the motion. Motion Carried.

Bruce Kinzie stated that there were technical amendments on **SB 124**. Chairman Donovan said he would entertain a motion that the committee reconsider their action. Senator Palmer moved that the committee reconsider their action. Senator O'Connor seconded the motion. Motion carried.

Senator Palmer moved to amend SB 124 with the technical amendments. Senator O'Connor seconded the motion. Motion carried. Senator Palmer moved to pass SB 124 as amended. Senator O'Connor seconded the motion. Motion carried. Chairman Donovan said he would carry the bill.

#### **SB 119 - Division of vehicles records, statistical reports**

Senator Wilson moved to pass SB 119 favorably. Senator O'Connor seconded the motion. The motion carried. Chairman Donovan asked Senator Wilson to carry the bill.

#### **SB 76 - Motorized bicycle license, habitual violators**

Senator Wilson moved to pass SB 76. Senator O'Connor seconded the motion. Motion carried. Chairman Donovan said Senator Journey would carry the bill.

### **Introduction of Bill**

Tom Whitaker, Kansas Motor Carriers Association, said they have a situation where, under the dealers licensing act, you can only carry 2,000 pounds of cargo on a D tag. They have a trailer manufacturer that manufactures flatbed trailers, or semi-trailers. When they transport these, they like to stack them but can't under the dealers licensing law. They would like to correct the situation for the trailer manufacturer so they can deliver their trailers to their distribution points.

Senator Gilstrap moved to introduce the bill. Senator O'Connor seconded the motion. Motion carried.

The meeting adjourned at 9:09 a.m.

The date of the next meeting will be sometime next week.