

REVISED
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SUPPLEMENTAL NOTE ON SENATE BILL NO. 449

As Amended by Senate Committee on
Transportation

Brief*

SB 449, as amended, pertains to county road and bridges. The bill would repeal:

- ! a requirement that the Secretary of Transportation approve the price paid for materials used for county road improvements (county commissioners use staff and consultants to determine the costs);
- ! a requirement that the State Engineer or a competent and experienced highway engineer supervise road construction work (these duties are now assigned to the county engineer or a licensed engineer hired by the county);
- ! outdated language concerning various activities undertaken by a board of county commissioners in the improvement of roads; (these practices are no longer followed by county commissioners); and
- ! a requirement that bidding forms be approved by the Kansas Department of Transportation (counties often use Kansas Department of Transportation bidding forms or use in-house legal counsel).

The bill also would:

- ! provide that any changes to road contracts would not need the approval of the State Transportation Engineer (this change would remove the State Engineer from the routine contracts of constructing and maintaining county roads);

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- ! change the bid security deposits from a maximum of 10 percent to a maximum of 5 percent for bridge contracts (this change would make the bid security uniform with KDOT requirements);
- ! increase from 10 to 30 days, the amount of time for a bidder to return contracts (this change gives contractors more time to obtain signatures and to secure required bonds and insurance to place contract approval on the county commission agenda);
- ! allow the county counselor to review and approve bidding documents and contracts and bonds as an alternative to the county attorney (this change would allow the county counselor as an alternative to the county attorney to review and approve bidding documents and contracts and bonds);
- ! change the term “superintend” to “inspect” in regard to county oversight of construction projects (this change reflects a more accurate role of the county with respect to project construction activities);
- ! reduce from 10 percent to 5 percent, the retainage for project payments to contractors (this is the retainage used by KDOT and by many counties already); and
- ! remove the reference to township “bridges” to accurately reflect the fact that bridges in townships actually are under the jurisdiction of counties (by statutory definition, bridges on township roads are under the jurisdiction of the counties).

Background

SB 449, as introduced, was requested by Darryl Lutz, Butler County Engineer, and member of the Kansas County Highway Association. Mr. Lutz also requested the amendments adopted by the Senate Transportation Committee.

The fiscal note prepared by the Division of Budget indicates that the Kansas Department of Transportation states that the bill would not have a fiscal effect. The bill could have an impact on county budgets if additional work is required to satisfy all inspection and supervision requirements.