

SESSION OF 2018

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 391**

As Agreed to May 2, 2018

**Brief\***

House Sub. for SB 391 would establish the Joint Legislative Transportation Vision Task Force (Task Force). Its provisions would expire June 30, 2019.

***Membership***

The Task Force would include certain persons by virtue of office and appointees of certain officials.

The Task Force would include these legislative officials:

- The Chairperson and Ranking Minority Member of the House Committee on Transportation;
- The Chairperson of the House Committee on Transportation and Public Safety Budget;
- The Chairperson of the House Committee on Appropriations, or the Chairperson's designee from the House Committee on Appropriations;
- The Chairperson and Ranking Minority Member of the Senate Committee on Transportation;
- The Chairperson of the Senate Committee on Ways and Means Subcommittee on Transportation;

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- The Chairperson of the Senate Committee on Ways and Means, or such Chairperson's designee from the Senate Committee on Ways and Means.

The following officials would appoint Task Force members, as listed below:

- Speaker of the House of Representatives (House):
  - One member of the House;
  - Four Kansas residents;
- President of the Senate:
  - One member of the Senate;
  - Four Kansas residents;
- Minority Leader of the House:
  - One member of the House;
  - Two Kansas residents;
- Minority Leader of the Senate:
  - One member of the Senate;
  - Two Kansas residents;

These entities each would appoint members, as listed below:

- Kansas Economic Lifelines would appoint three Kansas residents;
- The League of Kansas Municipalities (LKM) would appoint two city representatives, one from a city with a population exceeding 25,000 and one from a city with a population less than or equal to 25,000; and
- The Kansas Association of Counties (KAC) would appoint two county commissioners, one from a

county with a population exceeding 40,000 and one from a county with a population less than or equal to 40,000.

In addition, the following *ex officio* members would be nonvoting members of the Task Force:

- Secretary of Transportation, or the Secretary's designee;
- Secretary of Revenue, or the Secretary's designee;
- Secretary of Agriculture, or the Secretary's designee; and
- Chief Executive Officer of the Kansas Turnpike Authority, or the Officer's designee.

The bill would require appointed members who are not legislators to be affiliated with one of the stakeholder organizations listed below, except for two members appointed by the Speaker of the House and two members appointed by the President of the Senate. Not more than two members could be appointed from each of those organizations:

- The Kansas Contractors Association;
- The Heavy Constructors Association;
- The Kansas Aggregate Producers' Association;
- The Kansas Ready Mix Association;
- The Greater Kansas City Building and Construction Trades Council;
- The American Council of Engineering Companies of Kansas;
- The Kansas Public Transit Association;

- A class I railroad company;
- A short line railroad company;
- The Kansas Motor Carriers Association;
- The Portland Cement Association;
- The Petroleum Marketers and Convenience Store Association of Kansas;
- The Kansas Asphalt Pavement Association;
- The International Association of Sheet Metal, Air, Rail and Transportation Workers;
- A Kansas aerospace company;
- The Kansas Grain and Feed Association;
- The Kansas Economic Development Alliance; or
- The AFL-CIO.

Members of the Task Force would be appointed no later than 45 days from the effective date of the bill (upon publication in the *Kansas Register*). The bill would require all members to be residents of Kansas. The bill would also require at least two members from all six Kansas Department of Transportation (KDOT) districts.

***Co-chairpersons, Meetings, and Quorum***

The Speaker of the House would select a representative and the President of the Senate would select a senator to serve as co-chairpersons of the Task Force.

The bill would authorize the Task Force to meet in an open meeting at any time upon the call of either co-chairperson of the Task Force.

A majority of the voting members of the Task Force would constitute a quorum. Any action by the Task Force would be by motion adopted by a majority of voting members present when there is a quorum.

### ***Filing of Vacancies; Designees***

Any vacancy on the Task Force would be filled by appointment in the manner prescribed for the original appointment.

Any member appointed to the Task Force or a subcommittee who is a member of the House or Senate may designate another member of the respective chamber to attend any or all meetings of the Task Force or a subcommittee as the member's designee.

### ***Subcommittees***

The bill would authorize the co-chairpersons to establish any subcommittees as the co-chairpersons deem necessary. Subcommittee meetings would meet on dates and locations approved by the Task Force co-chairpersons.

### ***Duties of the Task Force***

The bill would state the Task Force has the following mission:

- Evaluate the progress of the 2010 Transportation Works for Kansas program to date;
- Evaluate the current system condition of the state transportation system, including roads and bridges;
- Solicit local input on uncompleted and future projects; the bill would require the co-chairpersons

to schedule and organize open meetings for this purpose to be held at least eight times, including one in each KDOT district and in the Wichita and Kansas City metropolitan areas;

- Evaluate current uses of State Highway Fund dollars, including fund transfers for other purposes outside of infrastructure improvements;
- Evaluate current transportation funding in Kansas to determine whether it is sufficient to not only maintain the transportation system in its current state, but also to ensure it serves the future transportation needs of Kansas residents;
- Identify additional necessary transportation projects, especially projects with a direct effect on the economic health of Kansas and its residents;
- Make recommendations regarding the needs of the transportation system over the next ten years and beyond; and
- Make recommendations on the future structure of the State Highway Fund as it relates to maintaining the state infrastructure system.

### ***Reports to the Legislature***

The bill would require the Task Force to make and submit reports to the Legislature by January 31, 2019, concerning all such work and recommendations of the Task Force.

### ***Support Services and Compensation***

The bill would require staff of the Office of Revisor of Statutes, Kansas Legislative Research Department, and Division of Legislative Administrative Services (LAS) to provide assistance as may be requested by the Task Force.

KDOT would be required, upon request by the Task Force, to provide data and information relating to the transportation system in Kansas that is not otherwise prohibited or restricted from disclosure by state or federal law.

Subject to approval by the Legislative Coordinating Council, legislative Task Force members would be paid as specified in KSA 75-3223(e).

### ***Effective Date***

The bill would be in effect upon publication in the *Kansas Register*.

### **Conference Committee Action**

The Conference Committee agreed to the provisions of House Sub. for SB 391, with the following changes:

- Eliminate appointments by the Governor and the Majority Leaders of the House and Senate;
- Increase the numbers of Kansas residents appointed by the Speaker of the House and by the President from two to four;
- Specify that two appointees each of the Speaker and the President need not be appointed from the listed stakeholder organizations;

- Increase the numbers of Kansas residents appointed by the Minority Leaders of the House and Senate from one to two;
- Replace appointment of one Kansas resident appointed by LKM with appointment by LKM of two city representatives, one from a city with a population of more than 25,000 people and one from a city with a smaller population;
- Replace appointment of one Kansas resident who resides in a county of 40,000 or fewer people by the KAC with appointment by the KAC of two county commissioners, one from a county with a population of more than 40,000 and one from a county with a smaller population;
- Authorize Economic Lifelines to appoint three Kansas residents to the Task Force;
- Make these changes to the list of stakeholder organizations with which appointed members must be affiliated:
  - Remove Economic Lifelines;
  - Include the Kansas Aggregate Producers' Association and the Kansas Ready Mix Association as separate entities;
  - Remove the Kansas Ag Alliance, the Kansas Farm Bureau, the Kansas Independent Oil and Gas Association, and a local or regional chamber of commerce; and
  - Add the Kansas Grain and Feed Association and the Kansas Economic Development Alliance;
- Specify no more than two members may be appointed from any of the stakeholder organizations;



- Remove references to specified subcommittees; and
- Add to the Task Force mission soliciting local input on uncompleted and future projects and requiring the co-chairpersons to schedule and organize meetings for this purpose in each KDOT district and in the Wichita and Kansas City metropolitan areas.

### **Background**

SB 391, as introduced, would have increased the weight limit for certain emergency vehicles subject to specified maximum weights on axles (these provisions were included in the Conference Committee report for Sub. for SB 272). The House Committee on Transportation replaced the contents of SB 391, as introduced, with a substitute bill containing modified contents of HB 2775. Sub. for SB 285 proposed a similar transportation task force; its background information is also included below.

### ***House Sub. for SB 391 (Originally HB 2775)***

In the House Committee on Transportation hearing on HB 2775, proponent testimony was provided by Representative Claeys and representatives of the following entities: Ash Grove Cement Company; Economic Lifelines; the International Association of Sheet Metal, Air, Rail, and Transportation Workers; Kansas AFL-CIO; Kansas Aggregate Producers' Association and Kansas Ready Mixed Concrete Association; Kansas Asphalt Pavement Association; KAC; Kansas City Area Transportation Authority; Kansas Contractors Association; and Union Pacific Railroad. Written-only proponent testimony was provided by representatives of the American Council of Engineering Companies; the City of Garden City; Finney County Economic Development Corporation; Garden City Area Chamber of Commerce;

Greater Kansas City Chamber of Commerce; KDOT; Kansas Good Roads, Inc.; Kansas Motor Carriers Association; Kansas Public Transit Association; Overland Park Chamber of Commerce; and Travel Industry Association of Kansas.

Neutral testimony was provided by a representative of the LKM. No opponent testimony was provided.

The House Committee amended the bill to authorize the co-chairpersons of the Task Force to establish additional subcommittees as they deem necessary, add the AFL-CIO to the list of organizations with which certain appointees must be affiliated, require the appointees to include two members from each KDOT district rather than each congressional district and remove references to representation by congressional district in appointment provisions, and make technical corrections [*Note:* the Conference Committee retained these amendments]. The House Committee also adopted an amendment to require an appointee of the Minority Leader of the Senate to be a resident of the second congressional district, if necessary to satisfy a requirement in the bill as introduced to require representation from each Kansas congressional district; however, this amendment was nullified by subsequent adoption of the amendment to require representation from each KDOT district rather than congressional district. The House Committee then placed the amended contents into a substitute for SB 391.

According to the fiscal note prepared by the Division of the Budget on HB 2775, as introduced, LAS estimates the bill would require additional expenditures totaling \$46,935 from the State General Fund (SGF) for the Legislature's budget for FY 2019: \$40,088 for legislator pay and travel costs, \$6,707 for pay and travel costs of one committee assistant, and \$140 for publications in the *Kansas Register*. The estimate assumes the Task Force will meet four times and each subcommittee will meet at least twice. Any fiscal effect associated with enactment of HB 2775 is not reflected in *The FY 2019 Governor's Budget Report*.

**Sub. for SB 285**

SB 285 was introduced by the Senate Committee on Ways and Means at the request of Senator Skubal. In the Senate Committee hearing, proponents of the bill included representatives of American Council of Engineering Companies; Economic Lifelines; City of Garden City; Greater Kansas City Building and Construction Trades Council; Heavy Constructors Association of Greater Kansas City; Kansas Aggregate Producer's Association; Kansas Association of Counties; Kansas City Chamber; Kansas Contractors Association; Kansas Motor Carriers Association; Kansas Public Transit Association; Kansas Society of Professional Engineers; LKM; the International Association of Sheet Metal, Air, Rail and Transportation Workers; and Union Pacific Railroad. Written-only proponent testimony was provided by Representative Murnan, and representatives of Ash Grove Cement Company; City of Lenexa Community Development; Manhattan, Emporia, Topeka, and Lawrence Chambers of Commerce; Kansas AFL-CIO; Kansas Good Roads; and the Overland Park Chamber of Commerce.

No opponent or neutral testimony was provided.

The Senate Committee created a substitute bill by amending SB 285 to change the word "authority" to "association" for the name for the Kansas Public Transit Association. The Senate Committee also amended the bill to allow any appointed member of the Senate Committee on Ways and Means and the House Committee on Appropriations to designate another member of the respective committee to be the member's designee, and to add the following six voting members:

- One member appointed by the Portland Cement Association;
- Increased the number of members appointed by the Economic Lifelines from one to two and added language specifying that these two members

appointed will be “representing urban and rural economic development”;

- One member appointed by the Petroleum Marketers and Convenience Store Association of Kansas;
- One member appointed by the Kansas Asphalt Pavement Association;
- One member appointed by the International Association of Sheet Metal, Air, Rail and Transportation Workers; and
- One member appointed by the Kansas Association of Airports.

[*Note:* The list of stakeholder organizations included in the Conference Committee report retained all of the above-listed organizations except the Kansas Association of Airports and increased the number of appointments by Economic Lifelines from two to three.]

The Senate Committee of the Whole amended the bill to add the Chief Executive Officer of the Kansas Turnpike Authority, or the Chief Executive Officer’s designee as an *ex-officio* non-voting member of the Task Force, add language specifying legislative members shall receive compensation for attending Task Force meetings, and change the effective date to upon publication in the *Kansas Register*. [*Note:* The Conference Committee report includes these changes.]

According to the fiscal note prepared by the Division of the Budget on SB 285, as introduced, LAS estimates enactment of the bill would result in expenditures of \$86,146 from the SGF for the Legislature’s budget in FY 2019. LAS stated the estimate includes expenditures for legislator pay and travel costs (\$43,915); travel costs for non-legislator members of the Task Force (\$37,380); and pay and travel costs for a committee assistant (\$4,851). These estimates are

based upon eight meeting days. KDOT, the Department of Commerce, and the Department of Agriculture estimate additional expenditures for agency attendance at Task Force meetings to be negligible. Any fiscal effect associated with enactment of SB 285 is not reflected in *The FY 2019 Governor's Budget Report*.

transportation task force; Legislature; KDOT

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