

SESSION OF 2015

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 127**

As Agreed to March 30, 2015

Brief*

SB 127 would require the Secretary of Transportation, before placing any signs commemoratively designating any road, highway, bridge, interchange, or trail, to receive sufficient money from gifts and donations to cover the costs of placing such signs plus an additional 50 percent of the initial cost to defray future maintenance or replacement costs. The Secretary would be authorized to accept gifts and donations toward those costs.

The bill also would designate four portions of highway:

- The 2nd Lieutenant Justin L Sisson Memorial Highway, a portion of U.S. 69 in Johnson County that would begin at 135th Street and continue to 167th Street;
- The George Ablah Expressway, on K-96, from the junction of K-96 and I-35, east to the junction of K-96 and Rock Road, in Sedgwick County. The bill would remove from that portion of K-96 the designation of Bonnie Huy Memorial Highway. The portion of K-96 from the junction of K-96 and Rock Road in Sedgwick County, east to the junction with I-35 would be designated as the Bonnie Huy Memorial Highway;

*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 Kenneth W Bernard Memorial Highway, on K-7 in Lansing. The bill would remove from that portion of K-7 the designation of the Amelia Earhart Memorial Highway. The portion of K-7 north to the southern city limits of Lansing, then north from the northern city limits of Lansing to the eastern junction with US-159 would be designated as the Amelia Earhart Memorial Highway; and
- The Bert Cantwell Memorial Interchange, the junction of interstate highway 70 and 110th street in Wyandotte County.

The provisions related to payments for signs would apply to the new designations.

The bill also would repeal a statute that requires approval by a county engineer of plans for any highway bridge or culvert for which the estimated cost does not exceed \$200,000 and approval by the State Transportation Engineer of plans for any bridge or culvert for which the estimated cost exceeds \$200,000.

Conference Committee Action

The Conference Committee agreed to the House amendments to the bill, removed from it the section of the bill designating a bridge as the Clay County Vietnam Veterans Memorial Bridge, and added the contents of SB 245, regarding bridge design approval, into the bill. (The bridge designation has passed both chambers in 2015 HB 2103.)

Background

Senator Wolf requested requested the bill (SB 127) and testified as a proponent in the Senate Transportation Committee. She stated the bill would place policy into statute and alleviate confusion when requests for such signs are

made. The state signing engineer from the Kansas Department of Transportation (KDOT) also testified in support of the bill, saying it would provide a consistent and fair treatment of signage requests. There was no other testimony.

The language of the original bill has been included in each commemorative designation statute enacted since 2004.

The Senate Transportation Committee amended the bill to add the contents of SB 5, as amended, and SB 68, as amended.

The House Transportation Committee received proponent testimony from the State Signing Engineer and from Senators O'Donnell and Petersen. The House Transportation Committee amended the bill to add the contents of HB 2103 and HB 2229 and made a technical amendment requested by the Committee Revisor.

SB 5

SB 5 was introduced by Senator Melcher. According to testimony in the Senate Transportation Committee, Justin Sisson was a 2nd Lieutenant in the U.S. Army assigned to the 101st Airborne Division (Air Assault), 4th Infantry Brigade Combat Team, 1-506th Infantry. Before earning an Army Officer Commission at Florida State University, he was an enlisted member of the Army National Guard and received a Bronze Star for his service during a deployment to Iraq. Upon commissioning, he graduated with honors from the U.S. Army Infantry Basic Officer Leadership Course; he also was a graduate of the U.S. Army's Ranger, Sapper, Air Assault, and Airborne schools.

Also according to testimony, 2nd Lieutenant Sisson was killed in action on June 3, 2013, while conducting combat operations in Afghanistan. He was a graduate of Pleasant

Ridge Middle School and Blue Valley West High School before joining the U.S. Army.

Oral testimony in support of the bill was provided by the soldier's father, family friends, and a fellow service member who served with Justin. Additional written testimony was provided by family members, friends, community members, and fellow soldiers.

The Senate Committee amended the bill by adding a funding mechanism so the Secretary of Transportation could accept gifts and donations to aid in obtaining and installing suitable signs.

The bill also was amended to specify the signs will not be placed until the Secretary has received sufficient moneys from gifts and donations to reimburse the cost of placing such signs and an additional 50 percent of the initial cost to defray future maintenance or replacement costs of such signs.

SB 68

SB 68 was requested by Senators O'Donnell, Peterson, and Wagle. In the Senate Transportation Committee, Senator O'Donnell spoke in favor of the bill, stating Mr. Ablah was a successful businessman who donated land to Wichita. Senator Peterson also spoke in favor of the bill, stating Mr. Ablah believed in the importance of infrastructure. There was no opponent or neutral testimony.

The Senate Committee amended the bill to include the contents of SB 139.

SB 139

SB 139, requested by Senator Fitzgerald, would have designated the portion of K-7 through Lansing as the Mayor Ken Bernard Memorial Highway. The Senate Committee

amended the name designation to be consistent with requirements of the Manual on Uniform Traffic Control Devices, after consultation with a KDOT official.

HB 2103

Testimony in support of HB 2103 to the House Transportation Committee was given by Representative Swanson, who introduced the bill; a veteran of the Vietnam War; and a representative of the American Legion, who also identified himself as a Vietnam veteran. They stated the bridge is on a major local route and many veterans live in the area. There was no other testimony.

HB 2229

Testimony in support of HB 2229 was given by a former Sheriff of Leavenworth County and by a former Director of the Kansas Bureau of Investigation. According to testimony, Mr. Cantwell was appointed and, subsequently, elected Sheriff of Wyandotte County in 1973. In 1977, he was appointed as the U.S. Marshal for the district of Kansas by then-President Jimmy Carter. He also served as Superintendent of the Kansas Highway Patrol and as the President of the Kansas City, Kansas, Chamber of Commerce.

Fiscal Effects

According to fiscal notes prepared by the Division of the Budget, the bill would have the following fiscal effects.

- KDOT indicates the enactment of the provisions to commemorate 2nd Lieutenant Sisson, as introduced, would require two signs to be planned, manufactured, installed, and maintained, for an expenditure of \$3,900.

- KDOT indicates two signs would need to be planned, manufactured, installed, and maintained for the George Ablah Expressway. The cost of the two signs, including installation, would be \$3,440. The additional 50 percent needed for future maintenance would be \$1,720. The agency would need to receive \$5,160 from donations before installing the signs. KDOT indicates there would be no fiscal effect from adjusting the boundaries for the Bonnie Huy Memorial Highway since those signs have not yet been placed.
- KDOT indicates two signs would need to be planned, manufactured, installed, and maintained for the Mayor Ken Bernard Memorial Highway (the designation in the bill as introduced). The costs of the two signs, including installation, would be \$3,920. The additional 50 percent needed for future maintenance would be \$1,960. KDOT would have to receive \$5,880 from donations before installing the signs. (No revised fiscal note to reflect the changes to the wording on the signs was available when the Senate Committee took action.) KDOT states the Amelia Earhart Memorial Highway already exists and the new designation breaks the continuity of the route, so two additional signs are needed. The cost of these additional signs, including installation, would be \$3,540.
- The fiscal note prepared by the Division of the Budget indicates there would be a \$3,160 cost to plan, manufacture, and install two signs for the Clay County Vietnam Veterans Bridge. The additional 50 percent needed to maintain the signs would be \$1,580. Therefore, KDOT would need to receive a total of \$4,740 in gifts and donations before installing the signs. (These provisions are no longer included in SB 127.)

- The fiscal note prepared by the Division of the Budget indicates four signs would be planned, manufactured, and installed for the Bert Cantwell Memorial Interchange at a cost of \$6,620. KDOT would have to receive this amount plus an additional \$3,310 (a total of \$9,930) in gifts and donations to defray future maintenance and replacement costs before the signs would be installed.

Fiscal notes for SB 5, SB 68, SB 139, HB 2103, and HB 2229, as introduced, state KDOT would need an increase in expenditure authority from the agency operations account of the State Highway Fund. Any fiscal effect associated with those provisions is not reflected in *The FY 2016 Governor's Budget Report*.

SB 245

At the hearing before the Senate Committee on Transportation, the Director of Legislative and Public Affairs of the Kansas Department of Administration said this statute was brought to the Office of Repealer by the Local Road Engineer at the Kansas Association of Counties (KAC). The Chief of the Bureau of Local Projects at KDOT also testified in support of the bill. Proponent testimony also was submitted by a representative of the KAC. All stated the provisions originally were enacted in 1917 when licensed engineers were not as available to design bridges, but counties now have their own licensed engineers on staff or hire consulting engineering firms with licensed engineers. There was no neutral or opponent testimony.

According to the fiscal note prepared by the Division of the Budget, KDOT indicates enactment would have no fiscal effect, and the KAC indicates any fiscal effect on counties would be negligible.

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