

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on March 18, 2004 in Room 519-S of the Capitol.

All members were present.

Committee staff present:

Mary Galligan, Legislative Research Department
Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes Office
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Mark Desetti, KS National Education Ass'n.
Tom Whitaker, Executive Director, KS Motor Carriers Ass'n.
Larry Baer, Ass't. General Counsel, League of KS Municipalities
Pat Hurley for Mark Turkington and Fred Berry
Deb Miller, Secretary, KDOT
Woody Moses, KS Aggregate Producers/KS Ready Mixed Concrete Ass'n.
Ron Gaches, KS Society of Professional Engineers
Scott Heidner, KS Consulting Engineers
Ed DeSoignie, Heavy Constructors Ass'n. of Greater KC
Bob Totten, KS Contractors Ass'n.

Others attending:

See Attached List.

SB 385 - School zones, disobeying school crossing guard, doubling speeding fines in school zones

Chairman Hayzlett opened the hearing on **SB 385**. He recognized Mark Desetti, representing the Kansas National Education Association. (Attachment 1) Mr. Desetti testified that **SB 385** will help to ensure that motorists will respect school zones and the guards who work to protect our children in those zones. According to Mr. Desetti, parents must be able to send their children to school with the knowledge that children will arrive safely and children must be confident that the adults they turn to for protection are indeed authorized and empowered to provide protection.

Senator Phillip Journey submitted written testimony. (Attachment 2).

There were no other proponents and no opponents. Chairman Hayzlett closed the hearing on **SB 385**.

SB 501 - Compression release engine braking system, regulation of

Chairman Hayzlett opened the hearing on **SB 501**. Tom Whitaker, Executive Director, KS Motor Carrier Ass'n. was the first proponent to speak. (Attachment 3) Mr. Whitaker explained a compression release engine braking system. According to Mr. Whitaker engine braking devices are not loud when the truck is equipped with a muffler and the problem is that a small percentage of trucks do not have a muffler. He said **SB 501** makes it unlawful to operate a vehicle with a compression release engine braking system without being equipped with a muffler. There is a fine of \$60.00 plus \$54.00 in court costs for violation of this law.

The next proponent of **SB 501** was Larry R. Baer, Assistant General Counsel, League of KS Municipalities. (Attachment 4) According to Mr. Baer, this bill would prohibit the use or operation of a compression release engine braking system, or "Jake brake" as it is more commonly known, without appropriate mufflers installed. Mr. Baer said the League supports **SB 501** as a good example of state legislation that will work cooperatively with local control.

There were no other proponents and no opponents. The Chairman closed the hearing on **SB 501**.

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE at 1:30 p.m. on March 18, 2004 in Room 519-S of the Capitol.

HB - Financing the comprehensive transportation program

Bruce explained the bill draft on the Alternative Transportation Funding Program and answered questions from the Committee.

The Chairman opened the hearing on this proposal. The first proponent was Pat Hurley who spoke on behalf of Mary Turkington and Fred Berry, Co-Chairs of Economic Lifelines, who were unable to attend. (Attachment 5) Mr. Hurley read Economic Lifelines' position regarding the 1999 Comprehensive Transportation Program and the standards they endorse.

The next proponent was Secretary Deb Miller, KDOT. (Attachment 6) According to Secretary Miller, the Governor crafted a plan that allows the State to keep its commitment to the CTP by completing all of the announced projects and does so without raising taxes or devastating the State's ability to fund other major programs. According to the Secretary this alternative proposal will have a greater impact on the State General Fund than the Governor's proposal. Secretary Miller also mentioned that the alternate proposal relies on the assumption that additional federal aid will be available to spend on the announced CTP projects. She said it was KDOT's belief that it is unlikely that we will receive anywhere near the \$50 million amount. She concluded by saying with some additional discussion and modification, working together, they can craft a compromise solution that will deliver the CTP as promised.

Woody Moses, Managing Director of the Kansas Aggregate Producers' Ass'n. and the KS Ready Mixed Concrete Ass'n. was the next proponent for the alternative proposal for the transportation plan. (Attachment 7) Mr. Moses said they were there to express support for fully funding the transportation program. He said they were supportive of any creditable proposal which would secure the completion of the CTP.

The Chairman introduced Ron Gaches, representing the KS Society of Professional Engineers, as the next proponent. (Attachment 8) Mr. Gaches said they support the enactment of the funding plan embodied in the Republican plan. He said they support the intent of the additional bonding authority and sales tax component contained in the proposal. Mr. Gaches said they have several concerns about the future of the CTP under this or any other funding plan. He said they were concerned about maintenance expenditures, adequacy of cash flow at the end of the program and the long-term impacts of greater reliance on bonding. He said they were also concerned about reliance on anticipated dollars from the federal government. He concluded by saying notwithstanding these concerns, they support enactment of the Republican plan and other reasonable plans that fulfill the funding commitments of the CTP.

Scott Heidner, Executive Director of the KS Consulting Engineers was the next proponent. (Attachment 9) Mr. Heidner said they were pleased that this program will fully fund the CTP as originally passed. He said they are also pleased that a revenue stream is being proposed which would replace the current sales tax demand transfer. He did say they had some concern about the federal money that the plan anticipates and hopes the numbers don't turn out to be overly optimistic.

Chairman Hayzlett recognized Ed DeSoignie, Executive Director of the Heavy Constructors Ass'n. of The Greater Kansas City Area. (Attachment 10) He said as far as they understand about the proposal it accomplishes everything needed to complete all of the projects promised in the 1999 Legislature. Mr. DeSoignie expressed a little concern over the level of federal funding involved. He concluded by saying their Association is committed to working with the Legislature and the Governor to secure funding for the CTP.

The last proponent on the Alternative Funding Plan was Bob Totten, Public Affairs Director for the Kansas Contractors Association. (Attachment 11) He testified in support of the Alternative Transportation Plan because it fully funds the CTP and fulfills the commitments made to the communities. Mr. Totten said they have only one major concern with this plan and that involves the amount of federal funds expected to flow into KDOT. He concluded by saying despite the concern over the federal funding they are supportive of this proposal and urged the Committee to favorably pass this measure.

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE at 1:30 p.m. on March 18, 2004 in Room 519-S of the Capitol.

There were no other proponents and no opponents. After questions were answered, the Chairman closed the hearing on the Alternative Funding Plan.

The Chairman called for final action on **HB 2918**. Representative Wilk made a motion to “erase and replace” the language in this bill with the language of the Alternative Funding Proposal. Representative Humerickhouse seconded the motion and the motion carried. Representative Larkin made a motion to put a \$100 million cap on allowing the Finance Council to deal with any shortfall. Representative Henry seconded the motion. The motion failed to pass. Representative Beggs moved to favorably pass **HB 2918** out of Committee, seconded by Representative Wilk and the motion carried.

Chairman Hayzlett adjourned the meeting at 3:15 p.m. The next meeting will be on March 22, 2004, at 1:30 p.m. in Room 519-S.