

Approved March 7, 1989  
Date)

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at  
Chairperson

2:25 ~~am~~ p.m. on September 2, 1987 in room 519-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Bruce Kinzie, Revisor of Statutes  
Hank Avila, Legislative Research Department  
Donna Mulligan, Committee Secretary  
Ben Barrett, Legislative Research Department

Conferees appearing before the committee:

None

The meeting was called to order by Chairman Crowell, and it was announced the first order of business would be a bill request.

Representatiave Kerry Patrick, requested that a bill be introduced as Committee legislation concerning bid rigging. (See Attachment 1)

A motion was made by Representative Spaniol that this be introduced as Committee legislation. The motion was seconded by Representative Moomaw. Motion passed.

Ben Barrett, Legislative Research Department, briefed the Committee concerning SB-1. (See Attachment 2)

He said in SB-1, the Secretary is encouraged to construct the following highway projects: east and southeast from Wichita to a point on the Kansas-Oklahoma border or the Kansas-Missouri border providing the most feasible connection with Interstate 44 in the vicinity of Joplin Missouri; Wichita to Bucklin and west to Colorado also, southwest from Bucklin to Oklahoma; Wichita to Hutchinson; Great Bend, and I-70 in the vicinity of Russell; and other projects recommended by the study commissioned by the 1986 Legislature.

He said the bill allows \$50 million for debottleneck projects as determined by the Secretary, also, no bonding authority is allowed.

Mr. Barrett stated that in SB-1, \$356 million of the new revenue under the bill is earmarked after January 1, 1988 for state operations, current level of substantial maintenance and major modifications. He added there is no change in the registration fee increases in Substitute SB-1; no change in the proposed increase in state aid for city connection links from \$1,250 to \$1,750 per lane mile, and no change in the proposed state aid for rural and elderly and handicapped public transportation.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 2:25 ~~xxx~~/p.m. on September 2, 1987

He said in the bill, fuel taxes are increased by 4 cents per gallon on October 1, 1987, and by an additional 1 cent on January 1, 1989. Of the 4 cent increase on October 1, 1987, 3 cents will be retained at the state level in the State Highway Fund and 1 cent will go to local units through the Special City and County Highway Fund. The additional 1 cent on January 1 is retained by the state in the State Highway Fund.

Committee discussion and questioning followed.

Representative Sallee made a motion to introduce a House Substitute for Senate Substitute for Senate Bill 1. The motion was seconded by Representative Harper.

Representative Dillon voiced opposition to raising the vehicle registration fee.

A vote was taken. Motion passed.

A motion was made by Representative Moomaw to amend the substitute house bill to change the revenue package to a 4 cent motor fuel tax with 1 cent back to local units with a 30 percent across the board increase in registration fees. The motion was seconded by Representative Freeman.

Discussion ensued, and it was clarified by staff that if passenger registration fees were raised an average of 36.5 percent and left trucks at 25 percent as it is now in the bill, the same amount would be brought in as a 30 percent across the board.

Representative Moomaw withdrew his motion, with permission of the second.

Representative Laird presented a proposed amendment to Substitute Senate Bill 1. (See Attachment 3)

Representative Laird said the amendment provides that the prevailing wage shall be set by the Secretary of Human Resources in Kansas, on all construction projects or maintenance projects.

Representative Laird made a motion that the amendment be adopted. The motion was seconded by Representative Gross. Discussion on the motion was held. Motion failed on a division vote, requested by Representative Laird, 10-9.

A motion was made by Representative Shore to leave the 54,000 - 66,000 lb. categories at the current rates instead of increasing them by 25 percent. The motion was seconded by Representative Moomaw. Motion failed on a division 10-9.

A motion was made by Representative Moomaw to go to a 4 cent motor fuel tax increase with 1 cent back to local units, 36½ percent increase on each of the four categories of passenger vehicles and 25 percent increase on trucks. The motion died for lack of a second.

Chairman Crowell passed among Committee members copies of the explanation of Substitute for 1987 Special Session SB-1. (See Attachment 4)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 2:25 ~~xxx~~ p.m. on September 2, 19 87

Representative Freeman presented a proposed amendment to Substitute SB-1. (See Attachment 5)

A motion was made by Representative Freeman that the amendment be adopted. The motion was seconded by Representative Wilbert. Motion passed.

A motion was made by Representative Moomaw that the current formula which is \$20,000, \$5,000 per quarter per county, the remainder is disbursed 50 percent on the basis of the number of miles traveled within a particular county and 50 percent on the amount of registration fees in dollars, be changed. The motion is to leave those two factors in, reducing them to 30 percent and add a third factor at 30 percent which is the number of roads in the county, and the deck area of bridges within a county would be weighed at 10 percent. The motion was seconded by Representative Smith.

Discussion followed.

A substitute motion was made by Representative Sutter that instead of a 3 cent gasoline tax increase, make it at 2 cent increase with nothing going back to the cities and counties. The motion was seconded by Representative Justice. The motion failed.


A substitute motion was made by Representative Sallee to report House Substitute for Senate Substitute for SB-1 favorably as amended. The motion was seconded by Representative Freeman. Motion passed on a division 11-9.

A motion was made by Representative Harper that the resolution for a 1/2 cent constitutional amendment, be recommended favorable for passage. The motion was seconded by Representative Freeman.

A substitute motion was made by Representative Gross to add to the amendment that 5 percent of total monies should have 40 percent go to rail passenger service, 40 percent for rural airport service and 20 percent to mass transit. The motion was seconded by Representative Adam. Motion failed.

On the original motion to report the resolution to submit the 1/2 cent sales tax increase to the constitutional amendment to a vote of the people, motion passed on a division 9-8.

The meeting was adjourned at 4:45 p.m.

  
Rex Crowell, Chairman

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
RON HARTJE	KANSAS CITY	HNTB
JIM SULLINS	TOPEKA	Ks. MOTOR CAR DRIVERS ASSOC
KEVIN ROBERTSON	TOPEKA	DESIGN CONSULTING ENG.
STANLEY WALKER	Overland Park	Observer
Jim 14-03-1 dr	Topeka	
Henry S. Cole	Pittsburg	City Commission
Brenda M. Manske	Yates Center	Southwest Kansas Tourism Region
Mike Beam	Topeka	K. LUSTIC ASSN
Lyndon Drew	Topeka	KDOT
MARY E. TURKINGTON	Topeka	Kansas Motor Carriers Assoc.
Tom Whitaker	Topeka	Kansas Motor Carriers Association
Pat Brough	Overland Park	Yellow Freight System
Dan Raulow	Topeka	Ks. Contractors Assn.
Richard Funk	Topeka	KASA
R. Haler	Topeka	KDOT
R. Cutler	Topeka	KDOT
John Scheirman	Topeka	KDOT
Wayne Cornell	Predonia	Gov. Jack Poyne
Bob Cheng	Topeka	KAPE
Shelby Dussmer	Wichita	KSN News
El Rusk	Gov. Office	Fizz
PAUL H. VIETS	INDEPENDENCE	CITIZEN NATL BANK
BILL PERDUE	TOPEKA	ECONOMIC LIFELINES
Paul E. Fleener	Manhattan	Kansas Farm Bureau
Bill R. Fuller	Manhattan	Kansas Farm Bureau
BRYAN BEAVER	LENEXA	KOMA

*Wayne Cornell*

Section 1. As used in sections 1 through 3:

(a) "Bid rigging agreement" means an agreement whereby, in the letting of a contract by the state or by a political or taxing subdivision of the state:

- (1) The price quotation of any bid is fixed or controlled;
- (2) one or more persons refrains from submitting a bid; or
- (3) competition is otherwise restrained.

(b) "Person" means an individual, association, partnership, limited partnership or corporation.

Sec. 2. (a) No person shall enter into a bid rigging agreement.

(b) Violation of this section is a class C felony.

(c) In addition to any other penalty provided by law, any person convicted of a violation of this section shall be liable to the state or subdivision of the state letting the contract for damages in an amount equal to three times the amount of the price quotation of the successful bid. If the convicted person is a corporation, each shareholder shall be liable for such damages in proportion to that percentage of the corporation's stock which is owned by such stockholder. If the convicted person is a limited partnership, each limited partner shall be liable for such damages in proportion to that percentage of the contributions to the limited partnership which were contributed by such partner.

(d) The following shall not be eligible to be awarded any contract with the state or with any political or taxing subdivision of the state:

(1) Any person who has been convicted of a violation of this section; or

(2) any corporation, partnership or limited partnership of which a shareholder, partner or general or limited partner: (A) Has been convicted of a violation of this section or (B) was, at the time of commission of the offense, a shareholder, partner or general or limited partner of a corporation, partnership or

limited partnership convicted of a violation of this section.

(e) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of allowing a person charged with a violation of this section to plead guilty or nolo contendere to a crime which is a misdemeanor.

Sec. 3. (a) Any person who enters into a bid rigging agreement shall be liable to any person aggrieved thereby, or to the state or subdivision letting the contract, for the payment of a civil penalty, recoverable in an individual action, in an amount equal to three times the amount of the price quotation of the successful bid. If the person entering the bid rigging agreement is a corporation, each shareholder shall be liable for such penalty in proportion to that percentage of the corporation's stock which is owned by such stockholder. If the person entering the bid rigging agreement is a limited partnership, each limited partner shall be liable for such penalty in proportion to that percentage of the contributions to the limited partnership which were contributed by such partner.

(b) Any person recovering the civil penalty provided by subsection (a), including the attorney general or a county or district attorney, shall be entitled to recover reasonable attorney fees, investigation fees and expenses, as determined by the court.

Barrett  
2

FOR: Senator Robert Talkington

Summary of Highway Finance Plan Alternative

1. In addition to selection criteria used by KDOT for construction, reconstruction, and maintenance the Secretary is encouraged to construct the following highway projects: east and southeast from Wichita to a point on the Kansas-Oklahoma border or the Kansas-Missouri border providing the most feasible connection with Interstate 44 in the vicinity of Joplin Missouri; Wichita to Bucklin and west to Colorado also, southwest from Bucklin to the Oklahoma; Wichita to Hutchinson; Great Bend, and I-70 in the vicinity of Russell; and other projects recommended by the study commissioned by the 1986 Legislature.
2. \$50 million is for debottleneck projects as determined by the Secretary.
3. There is no bonding authority.
4. \$356 million of the new revenue under the bill is earmarked after January 1, 1988 for state operations, current level of substantial maintenance and major modifications. There is no change in the registration fee increases contained in Sub. S.B. 1; there is no change in the proposed increase in state aid for city connecting links from \$1,250 to \$1,750 per lane mile, and there is no change in the proposed state aid for rural and elderly and handicapped public transportation.
5. Fuel taxes are increased by 4 cents per gallon on October 1, 1987, and by an additional 1 cent on January 1, 1989. (This includes commensurate increases in the LP-gas tax prepayment schedule and interstate motor fuel user trip permits.) Of the 4-cent increase on October 1, 1987, 3 cents will be retained at the state level in the State Highway Fund and 1 cent will go to local units through the Special City and County Highway Fund. The additional 1 cent on January 1 is retained by the state in the State Highway Fund.

Percentage Distribution of Net Fuel Tax Revenue

	Present <u>Law</u>	Proposed Effective <u>11-1-87</u>	Exhibit: Estimated Annualized <u>Increase</u>	Law Effective <u>2-1-89</u>	Exhibit: Estimated Annualized <u>Increase</u>
Percent to Special City and County Highway Fund	40.5%	36.5%	\$14.0 million	34.2%	\$ 0.0 million
Percent to State Freeway Fund	<u>59.5</u>	<u>63.5</u>	<u>42.0 million</u>	<u>65.8</u>	<u>14.0 million</u>
	100.0%	100.0%	\$57.6 million	100.0%	\$14.0 million
Percent of Amount to the State Freeway Fund Transferred the Next Day to the State Highway Fund	81.6%	87.2%	\$42.0 million	88.4%	\$14.0 million

Estimate increase fuel tax 1988-1997	\$546 million
Registration fees	<u>388 million</u>
TOTAL	\$934 million
Less:	
KDOT shortfall	\$348 million
City connecting link increase	5 million
Transportation-Rural and Elderly and Handicapped	<u>3 million</u>
Subtotal	\$356 million
Amount for New Construction (includes \$50 million for debottleneck projects)	\$578 million

PROPOSED AMENDMENT TO SUB FOR SENATE BILL NO. 1  
(As Amended by Senate Committee of the Whole)

New Sec. . (a) Laborers and other workers employed by contractors or subcontractors in the execution of any highway project contract with the state of Kansas entered into by the secretary of transportation under this act shall be paid at least the prevailing wage paid in the locality where the work under the highway project contract is performed. In any bid specifications and contracts for any highway projects, secretary of transportation shall specify the prevailing wage which contractors and subcontractors must pay their laborers and other persons performing services under such contracts.

(b) The secretary of human resources shall adopt rules and regulations relating to procedures for wage surveys and shall conduct such wage surveys as are required under this section. The secretary of human resources shall adopt rules and regulations establishing an appeal procedure for any interested party to appeal any prevailing wage established for a locality pursuant to this section. The secretary of human resources may adopt such other rules and regulations as may be deemed necessary for implementation of this section.

(c) As used in this section:

(1) "Locality" means the county where the work for the highway project is being performed; and

(2) "prevailing wage" means the hourly rate of wages, including employee benefits, being paid to the majority of laborers and workers performing similar work on projects similar to the highway project being performed for the state as determined by wage surveys conducted by the secretary of human resources. If such surveys disclose that there is not a majority of laborers and workers being paid a particular wage for such similar work, then the average of all of the individual hourly wages, including employee benefits, of laborers and workers who were performing such similar work and were included in the survey



shall be utilized.

(d) Eight hours shall constitute a day's work for all laborers and other workers employed by contractors or subcontractors in the execution of any highway project contract with the state of Kansas entered into by the secretary of transportation under this act, except in cases of extraordinary emergency which may arise, in time of war, or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life. Laborers and other workers so employed who work more than eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work.

(e) Each highway project contract entered into by or on behalf of the state of Kansas by the secretary of transportation under this act with any corporation, person or persons which may involve the employment of laborers or other workers shall contain a stipulation that no laborer or worker in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the highway project contract shall be permitted or required to work more than eight hours in any one calendar day except in cases of extraordinary emergency which may arise, in time of war, or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life.

(f) Any officer of the state of Kansas, who has charge of or control over any highway project under this section, any contractor with the state of Kansas or any other persons who violates the provisions of this section, upon conviction thereof, shall be deemed guilty of a misdemeanor and shall be punished by a fine in an amount of not more than \$500 or by imprisonment in the county jail for not more than 60 days, or by both such fine and imprisonment.

And by renumbering sections accordingly

Substitute for 1987 Special Session S.B. 1  
(As Passed by the Senate)

4  
Rec.  
passed  
9-2

The bill contains a highway finance and enhanced construction program. The main provisions are described below.

Highway Expenditures

In addition to the selection criteria used by the Department of Transportation (KDOT) for construction, reconstruction, and maintenance, the Secretary of Transportation is encouraged to conduct the following projects: east and southeast from Wichita to a point on the Kansas-Oklahoma border or the Kansas-Missouri border providing the most feasible connection with I-44 in the vicinity of Joplin, Missouri; Wichita to Bucklin and west to Colorado, also, southwest from Bucklin to Oklahoma; Wichita to Hutchinson, Great Bend, and I-70 in the vicinity of Russell; and other projects recommended by the study commissioned by the 1986 Legislature.

In addition, the bill provides for \$50.0 million, to be made available after January 1, 1988, for "debottleneck" projects. With respect to such projects, the Secretary of Transportation is encouraged to give priority to spot local improvements which are proposed to be funded in part by local funds.

After January 1, 1988, the Secretary is authorized to spend new revenue under this bill of not to exceed \$356 million for state operations, current level of substantial maintenance, and major modifications.

Revenue Sources

Revenue enhancements required for the proposed highway program would come from three main sources:

Fuel Taxes. Fuel taxes (motor vehicle fuels, special fuels, and LP gas) would be increased by 4 cents per gallon on October 1, 1987 and 1 cent on January 1, 1989. Interstate motor fuel user trip permits are increased from \$6.50 to \$8.50 on October 1, 1987 and to \$9.00 on January 1, 1989. Of the October 1, 1987 increase, 1 cent will be allocated to local units through the Special City and County Highway Fund; the remaining 3 cents and the additional 1 cent on January 1, 1989 will be retained at the state level. (Presently, the Special City and County Highway Fund receives 40.5 percent of net fuel tax receipts. On November 1, 1987, this percentage will be 36.5 percent and on February 1, 1989 it will change to 34.2 percent.)

Registration Fees. Annual vehicle registration fees are increased on January 1, 1988 as follows:

Attach. 4

<u>Type of Vehicle</u>	<u>Present Fee</u>	<u>New Fee</u>	<u>% Increase</u>
Motorized bicycle	\$ 5.00	\$ 10.00	100.0%
Electrically Propelled Vehicles	6.50	13.00	100.0
Motorcycles	10.00	20.00	100.0
Passenger Vehicles			
Under 3,000 lbs.	13.00	26.00	100.0
3,000 lbs. to less than 4,000 lbs.	16.25	30.75	89.2
4,000 lbs. to less than 4,500 lbs.	19.50	35.00	79.5
4,500 lbs. and over	26.00	39.00	50.0
Trucks	<u>Range -- based on weight</u>		
Under 54,000 lbs.	25.00- 615.00	37.50- 922.50	50.0
54,000 lbs. and over	765.00- 1,475.00	1,032.75- 1,991.25	35.0
Local and 6,000 mile trucks			
Under 54,000 lbs.	47.00- 315.00	70.50- 472.50	50.0
54,000 lbs. and over	360.00- 775.00	486.00- 1,046.25	35.0
Farm trucks			
under 54,000 lbs.	25.00- 62.00	37.50- 93.00	50.0
54,000 lbs. and over	150.00- 500.00	202.50- 675.00	35.0
Urban transit buses	<u>Range -- based on passenger capacity</u>		
	15.00- 60.00	22.50- 90.00	50.0
Certain trailers	<u>Range -- based on weight</u>		
	10.00- 25.00	15.00- 37.50	50.0
30-day temporary registration, nonhighway mobile homes and trailers, registration permits -- dealers	2.00	3.00	50.0
Interstate operator 30-day permits, nonreciprocal 72-hour truck permits, out-of-state sales demonstration trucks, 72-hour permits, farm truck 30-day intrastate permits	20.00	30.00	50.0

<u>Type of Vehicle</u>	<u>Present Fee</u>	<u>New Fee</u>	<u>% Increase</u>
Antique vehicles (initial registration)	15.00	22.50	50.0
Special interest vehicles and street rods	20.00	35.00	75.0

Powers of the Secretary of Transportation

Several provisions are incorporated in the bill pertaining to the authority of the Secretary of Transportation to expedite the proposed new construction initiatives. These include:

1. acquisition of certain professional services without complying with existing publication, bidding and negotiating requirements;
2. exemption of relocation assistance, with respect to the acquisition of property, from the present state debt setoff procedure;
3. exemption from statutory state purchasing requirements;
4. authorization for the Secretary to hold hearings pursuant to the Kansas Administrative Procedures Act to resolve contractor disputes;
5. authorization, in connection with the expedited highway program, for the Secretary of Transportation to adopt rules and regulations for transfer or reassignment of Kansas Department of Transportation (KDOT) employees throughout the state;
6. authorization for the Secretary of Transportation to acquire fee simple title to highway right-of-way by trade or eminent domain (a lesser degree title than fee simple now is acquired for right-of-way properties);
7. authorization for the Secretary to advance money to public utilities to assist in the expeditious relocation of their facilities;
8. authorization for the Secretary of Transportation to pay moving expenses for up to 19,999 lbs. (present limit -- 12,000 lbs.);
9. authorization for the Secretary of Transportation to determine the compensation and expenses to be paid to advisory committees or groups with respect to management, control and operation of KDOT programs;
10. prohibition of action by the State Highway Advisory Commission on projects which are a part of the expedited highway construction program; and

11. expanded authorization to set aside construction contracts for disadvantaged business enterprises.

The authority conferred in items 1-3, 5 and 8 expires on July 1, 1997.

#### City Connecting Links

State reimbursement for city connecting links on the state highway system is increased from \$1,250 to \$1,750 per lane mile, effective in January, 1988.

#### Special City and County Highway Fund

The distribution formula for revenues to the Special City and County Highway Fund is changed with respect to the distribution of the county portion, by increasing from \$5,000 per quarter (\$20,000 per year) to \$10,000 per quarter (\$40,000 per year) the entitlement of each county before the remaining amount of the county entitlement is distributed to them on the basis of vehicle registrations and average daily vehicle miles traveled.

#### Rural and Elderly and Handicapped Public Transportation

The Secretary of Transportation is authorized to expend money from the State Highway Fund for rural and elderly and handicapped public transportation in an amount of not to exceed 25 percent of the federal apportionment to Kansas under sections 16(b)(2) and 18 of the Urban Mass Transportation Act of 1964.

#### Summary of Main Financial Features

Shown below is a summary of the estimated increased state level expenditures and revenues under the plan through 1997, as contemplated by the Senate.

Estimates -- Through 1997

<u>Increased Expenditures</u>		<u>Increased Revenue</u>	
<u>Item</u>	<u>Amount (In Millions)</u>	<u>Source</u>	<u>Amount (In Millions)</u>
New construction initiatives	\$528.0	Fuel taxes	\$546.0
"Debottleneck" projects	50.0	Registration fees	388.0
Current operations shortfall	348.0	Sales tax	--
City connecting links	5.0	TOTAL	<u>\$934.0</u>
Rural, elderly, and handicapped transportation	3.0		
TOTAL	<u>\$934.0</u>		

Increased aid to local units resulting from the fuel tax increases totals \$140.0 million.

BACKGROUND

As introduced, 1987 Special Session S.B. 1 contained the Governor's recommended highway program (with the exception of the various new construction and "debottleneck" projects which are listed in 1987 Special Session S.C.R. 1601).

The main changes made by the Senate Committee were the following:

1. The new construction projects are enumerated in the bill. The Governor's proposal listed them separately in 1987 Special Session S.C.R. 1601.
2. The listing of new construction projects proposed by the Governor is reduced by elimination of US-75 from Oklahoma north to I-35; US-75 from I-35 north to Topeka; US-36 from US-75 east to Missouri; K-177 from I-70 north to the K-18 bridge at Manhattan; US-81 from I-70 north to Nebraska; US-50 from Hutchinson to Emporia; US-169 north to the southeast Kansas corridor; and US-166 from I-35 east to US-75. Also, all four-lane projects, except for the K-96 bypass, K-254 from Kechi to El Dorado, and K-96 from Hutchinson to Wichita were downscoped to super two highways. Further, the US-281 and K-96 route terminates at Hays rather than Russell. The Senate Committee on Transportation and Utilities proposal for super two highways is based on passing lanes every five miles. The Governor's proposal contained \$1.717 billion for new construction, as

compared with \$1.173 billion in the Committee version (both amounts include "debottleneck" projects).

3. The listing of "debottleneck" projects in 1987 Special Session S.C.R. 1601 totaling \$248 million is replaced by a direction to the Secretary of Transportation to determine which projects will be funded from a total sum of \$150 million divided equally between state-funded and locally-matched projects.
4. The sections pertaining to issuance of revenue bonds and the investment of highway funds were deleted, inasmuch as the Senate Committee on Transportation and Utilities rejected bonding and supported undertaking highway improvement projects on a pay-as-you-go basis.
5. The indexing of fuel taxes (except the indexing provision in the current law) and registration fees was eliminated.
6. The initial increase in the fuel tax on October 1, 1987 of 5 cents per gallon under the Governor's proposal was changed by the Senate Committee to 2 cents on October 1 and an additional 2 cents on the following January 1. The Governor's proposed method of sharing fuel taxes with local units was to continue providing 40.5 percent of the current rate (11 cents on gasoline), 35.0 percent of any increase of this rate due to indexing, 5.0 percent of the additional 5 cents, and 5.0 percent of any increase in the additional 5 cents due to indexing. The Committee version provides for sharing of 36.5 percent (when the plan is fully implemented), which represents the earmarking of an additional one cent per gallon of fuel tax receipts (beginning October 1, 1987).
7. The percent of increase in registration fees for large trucks (54,000 lbs. and over) was reduced from 50 percent to 35 percent and the fee increase implementation date was moved forward by one year to January 1, 1988.
8. The State Highway Advisory Commission is retained (rather than abolished), but limited in that it has no jurisdiction over the new construction initiatives.
9. The 0.5 percent sales tax provision was added.
10. The Special City and County Highway Fund distribution formula was modified as it pertains to distribution of the county portion, as described above.

Amendments adopted by the Senate Committee of the Whole were as follows:

1. The specific listing of the following new construction projects was replaced by the guidelines described above: US-54 from Oklahoma border to Wichita; Diagonal from Hays southeast to

Hutchinson and on to Wichita via K-96; K-96 from Wichita to Neodesha and US-160 from Neodesha to Missouri; K-96 bypass--Wichita; US-50 and K-154 from Colorado via Garden City and Dodge City to US-54 near Mullinville; US-75 north from Topeka to Nebraska; K-254 from Kechi to El Dorado; and US-Alt. 69 from Oklahoma north to Louisburg

2. The amount prescribed for debottleneck projects was reduced from \$150 million to \$50 million and the designation of one-half of the total amount for 100 percent state funded projects and one-half for projects involving a state match of 75 percent and a local match of 25 percent was deleted. Instead, preference is to be given to projects which are to be funded in part by local funds.
3. The provision that authorizes the Secretary of Transportation to spend not more than \$356.0 million of the new revenue under the bill for state operations, current level of maintenance and major modifications was added.
4. The 0.5 percent sales tax was removed.
5. A permissive authorization for the Secretary of Transportation to set aside construction contracts for disadvantaged business enterprises was added.

Z87-228/BB



*Donner*      5 July 1986

STATE OF KANSAS

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MR. CHAIRMAN:

I move to amend Substitute for SENATE BILL NO. 1, On page 22, by inserting before line 54, the following:

"Sec. 13. K.S.A. 1986 Supp. 68-1103 is hereby amended to read as follows: 68-1103. (a) Whenever the board of county commissioners of any county shall determine that it is necessary to build or repair any bridge or culvert, the county's share of the cost of which shall be less than the sum of \$250,000, the board shall appropriate an amount equal to its share and shall immediately make all contracts for labor, material and all other expense necessary for the construction or repair of such work in the manner provided by law or shall make and let a contract for the construction or the repair thereof, but the amount appropriated shall not exceed the county engineer's estimated cost to the county for the work.

In any county having a population of more than 25,000 and containing two or more cities of the second class, the board of county commissioners shall determine the necessity of building or repairing any bridge or bridges; shall pass a resolution declaring that such a necessity exists and shall immediately build such bridge or bridges at a cost to be determined by the county engineer's estimate of not to exceed \$100,000 per bridge and appropriate money therefor. The levy for such purpose shall not exceed two mills upon the assessed valuation of the county.

(b) In any such county or counties where there has been constructed prior to the passage of this act or shall be hereafter constructed any bridge or bridges which shall have been destroyed or rendered impassable, or shall be hereafter destroyed or rendered impassable by flood, high water, fire or other casualty, or where there is any bridge or bridges condemned by the board of county commissioners and the county engineer as

unsafe and inadequate to meet the demands of present day traffic and the bridge or bridges are more than 30 15 years old, then such board of county commissioners may immediately thereafter repair and reconstruct such bridge or bridges; may adopt a resolution finding and determining a necessity for such repair or reconstruction and may at once proceed to repair or rebuild the same at a cost to be determined by the county engineer's estimate not exceeding \$250,000 per bridge and shall appropriate a sufficient amount of money therefor, or if there be not a sufficient amount of money therefor in the proper funds of the county, such board is hereby authorized and empowered to issue bonds or warrants of the county to pay the costs for the work herein provided for. Any bonds issued under the authority of the foregoing provision of this section shall not be subject to any limitation on the bonded indebtedness of the county. In Jewell county, bonds also may be issued for the construction and repair of roads in accordance with the provisions of this subsection.

(c) Such board is hereby authorized and empowered to levy and collect taxes for the purpose herein named or for the purpose of retiring any warrants that have been issued, which shall not exceed two mills upon the assessed valuation of the county.

(d) Under the provisions of this section those bridges which are situated across any stream on any county road are hereby declared to have a preference over the bridges on other roads and shall be repaired and reconstructed before any other bridges are repaired and reconstructed.";

And by renumbering sections accordingly;

On page 61, in line 1191, by inserting before "are" the following: "and K.S.A. 1986 Supp. 68-1103";

On page 1, in the title, in line 26, by inserting after "8-2409," the following: "68-1103,"

- 11