Approved: March 31, 2004
Date

### MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Stephen Morris at 12:00 p.m. on February 26, 2004, in Room 123-S of the Capitol.

All members were present except:

Senator Bill Bunten- excused Senator Christine Downey- excused Senator David Kerr- excused

#### Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Robert Waller, Kansas Legislative Research Department
Norman Furse, Revisor of Statutes
Judy Bromich, Administrative Analyst
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

None

Others attending:

See Attached List.

#### **Bill Introduction**

Senator Adkins moved, with a second by Senator Jordan, to introduce a bill concerning eminent domain; relating to certain limitations on taking of private property (3rs2016). Motion carried on a voice vote.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2004 and FY 2005 were available to the committee.

#### Subcommittee budget report on:

#### Kansas Department of Transportation (Attachment 1)

Subcommittee Chairman Adkins reported that the subcommittee on the Kansas Department of Transportation concurs with the Governor's recommendation in FY 2004 and concurs with the Governor's FY 2005 recommendations with adjustments.

Senator Barone moved, with a second by Senator Adkins, to amend the subcommittee report in Item No. 3, the last sentence, following the word "eliminating" to read "announced projects if the decision by the 2004 Legislature to not approve additional funding". Motion carried on a voice vote.

Senator Adkins moved, with a second by Senator Helgerson, to adopt the subcommittee budget report on the Kansas Department of Transportation in FY 2004 and FY 2005 as amended. Motion carried on a voice vote.

The meeting adjourned at 12:15 p.m. The next meeting is scheduled for March 2, 2004.

# SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE Jebruary 26, 2004

NAME	REPRESENTING
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## **SENATE SUBCOMMITTEE ON**

# KANSAS DEPARTMENT OF TRANSPORTATION FY 2004 - FY 2005

Senator David Adkins, Chair

Senator Henry Helgerson

Senator Larry Salmans

Senate Ways and Means 2-26-04 Attachment 1

### **Senate Subcommittee Report**

Agency: Kansas Department of Transportation Bill No. 536 Bill Sec. 52

Analyst: Waller Analysis Pg. No. Vol. 2 -1061 Budget Page No. 409

Expenditure Summary		Agency Estimate FY 2004		Gov. Rec. FY 2004		Senate Subcommittee Adjustments
Agency Operations	\$	235,676,813	\$	233,876,534	\$	0
Debt Service		108,138,040		108,138,040	•	0
Aid to Local Units		180,667,054		180,667,054		0
Other Assistance		3,385,000		3,385,000		0
Other Operations		689,792,499	20000000	689,792,499		0
Subtotal - Reportable	\$	1,217,659,406	\$	1,215,859,127	\$	0
Nonreportable Expenses		234,640,751		38,629,501	58	0
Total - Operations	\$	1,452,300,157	\$	1,254,488,628	\$	0
Financing Summary	<del>,</del> ì					
State General Fund	\$	0	\$	0	\$	0
State Highway Fund		831,258,665		829,458,376		0
All Other Funds		386,400,751		386,400,751		0
Subtotal - Reportable	\$	1,217,659,416	\$	1,215,859,127	\$	0
Nonreportable Funds	_	234,640,751		38,629,501	79	0
Total - All Funds	\$	1,452,300,167	\$	1,254,488,628	\$	0
FTE Positions		3,247.5		3,247.5		0.0
Unclassified Temp. Positions		10.0		10.0		0.0
TOTAL		3,257.5		3,257.5	_	0.0
			2001200		11/10/2005	

# Agency Estimate/Governor's Recommendation

**The agency's** revised FY 2004 reportable budget reflects a decrease of \$240,135,410 from the approved amount. The agency estimate contains no State General Fund related expenditures which is consistent with their approved budget.

- For agency operations, the following changes in the revised budget are noted:
  - Salaries and wages decrease by \$580,888 due to shrinkage and overtime compensation;

- Other operating expenses decrease by \$4,105,706 due mostly to a reduction in commodity and capital outlay expenditures;
- Within the Substantial Maintenance program, \$99,326,000 is estimated to be expended. This is a reduction of \$75,599,000 from the \$174,925,000 approved figure due to the utilization of bonding proceeds to finance expenditures. However, if the additional \$75,000,000 in bond proceeds are taken into account, expenditures decrease by \$599,000 from the approved amount.
- For Construction, Design Right of Way contract expenses increase from \$26,000,000 to \$32,997,000 (26.9 percent), and Local Construction estimates are expected to increase by \$2,556,000 from the current year figure of \$136,724,000.
- Local Aid is reduced by \$3,002,377 from the current year amount (\$180,649,677).
- State Projects are estimated to decrease by \$168,575,250 from the approved \$557,731,000 amount. However, if the additional \$121,011,250 in bond proceeds are taken in account, the reduction between the approved and estimated amounts totals \$46,964,000.
- Debt Service payments are set to be reduced from \$120,002,449 to \$108,138,040 (9.9 percent).
- Building expenses increase from \$4,999,283 to \$13,033,749 due to the utilization of carry over balances to finance expenditures.

The Governor concurs with the agency's FY 2004 estimate, with the following adjustments:

- increases shrinkage savings (\$1,431,271); and
- reduces vehicle purchase expenditures by \$369,008.

#### **Senate Subcommittee Recommendation**

The Senate Subcommittee concurs with the Governor's recommendation.

#### **Senate Subcommittee Report**

Agency: Kansas Department of Transportation Bill No. 538 Bill Sec. 52

Analyst: Waller Analysis Pg. No. Vol. 2 -1061 Budget Page No. 409

Expenditure Summary		Agency Estimate FY 2005		Gov. Rec. FY 2005		Senate Subcommittee Adjustments		
Agency Operations Debt Service Aid to Local Units Other Assistance	\$	240,096,841 112,408,197 167,399,207 2,685,000	\$	238,895,934 112,396,439 167,399,207 2,685,000	\$	(3,645,920) 0 0 0		
Other Operations Subtotal - Reportable Nonreportable Expenses Total - Operations	\$	366,094,671 888,683,916 437,132,703 1,325,816,619	\$	360,748,527 882,125,107 38,232,703 920,357,810	\$	0 (3,645,920) 0 (3,645,920)		
Financing Summary	• 1							
State General Fund State Highway Fund All Other Funds Subtotal - Reportable Nonreportable Funds Total - All Funds	\$ \$	0 506,907,081 381,776,835 888,683,916 437,132,703 1,325,816,619	\$ \$ \$	0 500,371,788 381,753,319 882,125,107 38,232,703 920,357,810	\$ \$	0 (3,645,920) 0 (3,645,920) 0 (3,645,920)		
FTE Positions Unclassified Temp. Positions TOTAL	_	3,247.5 10.0 3,257.5	_	3,247.5 10.0 3,257.5		0.0 0.0 0.0		

<sup>\*</sup> The adjustment reflects deletion of the Governor's recommended pay plan adjustments.

## Agency Request/Governor's Recommendation

**The agency's** FY 2005 reportable budget totals \$888,683,916 and reflects a decrease of \$328,975,490 (27.0 percent) below the current year. Included within the agency's request are increases of \$4,420,028 (1.9 percent) in agency operating expenses and \$4,270,157 (3.9 percent) in debt service expenditures, which were offset by a decrease in other operations (\$323,697,828 or 46.9 percent), \$700,000 (20.7 percent) in other assistance, and \$13,267,847 (7.3 percent) in aid to local units.

State Highway Fund expenditures decrease by \$324,351,574 from the current year due to an increase in non-reportable expenditures from \$234,640,751 to \$437,132,703 (bond issuances).

- For state operations, the following FY 2005 items are noted when compared with the current fiscal year:
  - An increase in salaries and wages expenses by 3.3 percent from \$138,240,066 to \$142,779,207;
  - No change in FY 2005 staffing level is requested;
  - A decrease in other operating expenditures from \$97,436,747 to \$97,317,634 (0.1 percent);
     and
  - For debt service, an increase in interest payments of \$9,778,399 from the FY 2004 amount of \$65,108,040
- For other operations, the following items in the budget are noted as changing from the current fiscal year:
  - A decrease in state construction projects from \$389,155,750 to \$65,537,000 (\$323,618,750 or 83.2 percent) due to a decrease in priority bridge, interstate/non-interstate roadway improvements, and corridor management expenditures. Also, the reduction can be attributed to an increase in bond issuances;
  - An increase in regular maintenance from \$120,648,374 to \$127,375,329 (3.4 percent) due to an increase in contractual services (repair and services) and commodity (maintenance construction material and motor vehicle part) expenses;
  - An increase of \$4,074,347 (3.4 percent) in Special City/County Highway aid payments above the current year. The amount includes \$10,063,664 in Motor Carrier Property tax revenue dedicated to local units of government;
  - An increase in substantial maintenance from \$99,326,000 to \$107,604,000 (\$8,278,000 or 8.3 percent);
  - A decrease of 1.4 percent below the current year estimate of \$54,101,623 within the Management program;
  - An increase in local construction expenses of \$4,003,000 (2.9 percent) above the FY 2004 amount of \$139,280,000;
  - A decrease in building projects from \$13,033,749 to \$9,470,671 (27.3 percent); and
  - A decrease in categorical aid expenditures of \$1,503,617 (6.9 percent) below the current year estimate of \$21,642,760

#### Governor's Recommendation

**The Governor** recommends \$882,125,107, which is \$6,558,809 (0.7 percent) below the agency's request. From the current fiscal year, the recommendation reflects a decrease of \$333,734,020 or 27.4 percent in reportable expenditures. The Governor concurs with the agency's non-reportable expenditure amount of \$38,232,703, but does not include the non-reportable amount of \$398,000,000 in bond issuance the agency proposes to issue in FY 2005.

- For agency operations, the Governor recommends the following adjustments to the agency's request:
  - An increase of \$2,158,637 in salary expenditures and a decrease in other operating expenditures in the amount of \$3,359,544; and

- An agency operations expenditure limitation of \$238,895,934, a decrease of \$1,200,907 (0.5 percent).
- For other operations, the Governor recommends the following adjustments to the agency's request:
  - The Governor recommends the elimination of the statutory State General Fund demand transfer to the State Highway Fund in FY 2005 (\$180,178,602). The Governor concurs with the agency request to issue bonds (\$398,000,000) in FY 2005, but does not include the amount within the Governor Budget Report;
  - Increases shrinkage savings by \$1,487,283; and
  - BEST recommended reductions from the agency's requests: \$374,630 in contractual services, \$11,758 in debt services expenses, \$371,309 in Design Right of Way contracts, \$4,835,000 in building project expenditures, and \$139,835 in Local Construction.

Additionally, the Governor transfers \$44,390,515 in FY 2005 to finance operating expenditures of the Kansas Highway Patrol from the State Highway Fund.

The Governor's Comprehensive Transportation Plan Revenue package includes the following:

- Eliminates the State General Fund statutory demand transfer in FY 2005 (\$180.1 million) and FY 2006 (\$187 million est.);
- Reduces the current transfer rate for the demand transfer (from the current 12.0 percent in FY 2005 and beyond) to 3.0 percent in FY 2007 and 6.0 percent in FY 2008 and FY 2009; and
- Issues \$465 million in bonds backed and financed by the State General Fund and the proceeds deposited into the State Highway Fund.

# Summary of Operating Budget FY 2005

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Expenditure Summary	(	Agency Request FY 2005	F	Governor Recommend FY 2005	í.	Governor's Adjustments to Agency Request	
Management	Φ.	E0 047 7E0	Φ	50 400 474	•	// /== == ··	
Management	\$	53,317,758	\$	52,122,174	\$	(1,195,584)	
Construction		430,933,651		426,368,659		(4,564,992)	
Local Support		172,105,786		172,154,839		49,053	
Maintenance		232,326,721	-	231,479,435	S-	(847,286)	
TOTAL- Reportable	\$	888,683,916	\$	882,125,107	\$	(6,558,809)	
Management	\$	32,882,200	\$	32,882,200	\$	0	
Construction		326,959,270		3,059,270		(323,900,000)	
Local Support		1,317,000		1,317,000		0	
Maintenance		75,974,233		974,233		(75,000,000)	
TOTAL- Non-Reportable	\$	437,132,703	\$	38,232,703	\$	(398,900,000)	
GRAND TOTAL	\$	1,325,816,619	\$	920,357,810	\$	(405,458,809)	
By Major Object of Expenditure:							
Salaries and Wages	\$	142,779,207	\$	144,937,844	\$	0.450.607	
Contractual Services	Ψ	40,565,693	φ	111 122 132-132-132-132-132-132-132-132-132-132-	φ	2,158,637	
Commodities		31,948,645		40,191,063		(374,630)	
Capital Outlay		24,803,296		31,115,865		(832,780)	
Subtotal - Operations	•		_	22,651,162	_	(2,152,134)	
Aid to Local Units		\$240,096,841		\$238,895,934		(\$1,200,907)	
Other Assistance		168,684,207		168,684,207		0	
Debt Service		1,400,000		1,400,000		0	
		112,408,197		112,396,439		(11,758)	
Other Operations	_	366,094,671	_	360,748,527	_	(5,346,144)	
TOTAL	\$	888,683,916	<u>\$</u>	882,125,107	\$	(6,558,809)	
GRAND TOTAL	\$	1,325,816,619	\$	920,357,810	\$	(405,458,809)	
Financing:							
State General Fund	\$	0	\$	0	\$	0	
State Highway Fund		506,907,081		500,371,788		(6,535,293)	
Other Funds		381,776,835		381,753,319		(23,516)	
TOTAL- Reportable	\$	888,683,916	\$	882,125,107	\$	(6,558,809)	
Bond Proceeds	\$	398,900,000	\$	0	\$	(398,900,000)	
State Highway Fund	*	5,009,203	Ψ	5,009,203	Ψ	(390,900,000)	
Rail Service Improvement		800,000		800,000		0	
Transportation Revolving Fund		32,423,500		32,423,500		0	
	\$	437,132,703	\$	38,232,703	\$		
TOTAL- Non-Reportable	<u>Ψ</u>	701,102,103	φ	30,232,703	Φ	(398,458,809)	
GRAND TOTAL	\$	1,325,816,619	\$	920,357,810	\$	(405,458,809)	

#### **Senate Subcommittee Recommendation**

The Senate Subcommittee concurs with the Governor's recommendation, with the following adjustments:

- 1. Delete \$3,645,920 from the State Highway Fund to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.
- 2. The Senate Subcommittee notes the House Committee's recommendation to transfer \$44,390,515 in State Highway Fund, financing currently proposed to fund the Kansas Highway Patrol, to the State General Fund. The House Committee recommendation then transfers \$44,390,515 from the State General Fund to the agency's SGF operating fund. The Senate Subcommittee on Transportation encourages the Senate Subcommittee on the Highway Patrol Budget to utilize the same method of funding to finance Highway Patrol operations in FY 2005. The Senate Subcommittee also recommends that no reduction in the amount of operating funding for the Patrol be made with the transfer.
- 3. The Senate Subcommittee notes its concern relating to the deletion of the statutory demand transfer from the State General Fund to the State Highway Fund (180.1 million) in FY 2005, and draws attention to the Governor's plan to maintain the integrity of a number of projects outlined by the passage of 1999 HB 2071, the Comprehensive Transportation Act (CTP) and the "red map." However, with additional revenue packages introduced or to be introduced by the appropriate Legislative Committees, the Senate Subcommittee on Transportation makes no recommendation on the various CTP revenue packages. The Subcommittee recommends the Legislature continue its deliberations in determining the extent to which the CTP will continue with the appropriate amount of financing, ensuring that all announced projects will be completed over the life of the CTP. In the alternative, the Kansas Department of Transportation should be directed to begin the process of adjusting or eliminating projects associated with the "red map" due to the decision by the 2004 Legislature to not approve additional funding.
- 4. The Senate Subcommittee would like to compliment the agency on its efforts in discussing transportation issues with the citizens of Kansas. The Subcommittee notes the numerous grass root "citizen committees" throughout Kansas that the Department involves in critical decisions to ensure and enhance the safety of citizens within those specific regions.
- 5. The Senate Subcommittee compliments the agency on its efforts to create a state-wide communication network utilizing the towers currently owned and operated by KDOT, to which only the Kansas Highway Patrol currently has access. The introduction of HB 2756 would authorize the Kansas Department of Transportation to purchase equipment and lease that equipment, or access to the equipment, to public safety agencies and governmental and non-governmental entities. The Subcommittee applauds the agency efforts to assist in reducing costs to local entities, and provide personnel (responding to an emergency) the ability to communicate on one system, thereby reducing confusion and increasing the response time to those citizens of Kansas most in need.
- The Senate Subcommittee directs the agency to provide information on or before
  Omnibus on the usage of KDOT's fiber optic cable infrastructure by public
  entities such as public television and libraries.

# CTP FY 2000-2009 Revenue Summary (In Thousands)

#### **Projected Ten-Year Revenues**

	_	Approved 1999	Approved 2003 egislature	_	Agency's Revised Sept. 2003	\$ Change from Approved	% Change from Approved	Agency's Revised Nov. 2003	Gov. Rec. FY 2005	\$ Change from Approved	% Change from Approved
Cash Beginning Balance Motor Fuels Taxes SGF Sales Tax Transfer Quarter Cent Registration Fees Interest Other Sources Transfers In	\$	475,189 3,930,400 1,830,010 1,071,513 1,387,995 251,900 44,613 156,762	559,875 4,258,865 1,134,037 958,696 1,538,440 215,473 59,619 131,210	\$	559,875 4,163,918 955,995 959,536 1,537,127 272,416 62,239 123,698	\$ 84,686 233,518 (874,015) (111,977) 149,132 20,516 17,626 (8,973)	17.8% 5.9% (47.8)% (10.5)% 10.7% 8.1% 39.5% (5.7)%	\$ 559,875 \$ 4,235,530 967,418 957,690 1,541,627 272,039 62,239 123,698	559,875 \$ 4,235,530 472,526 957,690 1,541,627 277,906 62,239 588,698	84,686 305,130 (1,357,484) (113,823) 153,632 26,006 17,626 (119,814)	17.8% 7.8% (74.2)% (10.6)% 11.1% 10.3% 39.5% (76.4)%
Subtotal - State	\$	9,148,382	8,856,215	\$	8,634,804	\$ (513,578)	(5.6)%	\$ 8,720,116 \$	8,696,091 \$		(4.9)%
Federal and Local Construction Reimbursement	\$	3,012,953	\$ 3,520,248	\$	3,475,436	\$ 462,483	15.4%	\$ 3,475,436 \$	3,475,436 \$	462,483	15.4%
Bonds	\$	980,075	\$ 1,280,298	\$	1,282,055	\$ 301,980	30.8%	\$ 1,282,055 \$	1,282,055 \$	301,980	30.8%
Net TRF Loan Transactions	\$	0	\$ <u> </u>	\$	5,085	\$ 5,085		\$ 5,085 \$	5,085 \$	5,085	-
TOTAL REVENUES	\$	13,141,410	\$ 13,656,761	\$	13,397,380	\$ 255,970	1.9%	\$ 13,482,692	13,458,667	317,257	2.4%

<sup>\*</sup> Source: KDOT estimates for FY 2005: 2003 Legislative Approved, September and November of 2003, and the Governor's FY 2005 CTP Cash Flow recommendation (which includes the changed in statutory transfer amounts and \$465 million of State General Fund receipts).

**Expenditures:** The CTP budget includes expenditures for maintenance, including regular and substantial maintenance; construction and reconstruction, including major modifications and priority bridges; system enhancement projects; and a highway demonstration project to evaluate guarantees by a contractor. The CTP budget also provides for enhanced assistance to local units of government and other entities, including increased aid from the Special City and County Highway Fund, increased state payments for city connecting links, new state assistance for communities with railroad crossings not on the state highway system, a railroad loan program with new state funding, state financing for general aviation airports, and additional state aid for public transit. Revisions in the proposed 10-year expenditures are noted in the following table.

The 2002 Legislature passed HB 3011, which provides additional financing for the Comprehensive Transportation Plan with the following enhancement provisions:

Motor Fuels taxes increased an additional two cents per gallon with two cents effective June 1, 2002, and an additional cent on July 1, 2003 in accordance with the original CTP legislation. Motor fuels tax rates when all increases are fully phased in on June 1, 2004, would be as follows: gasoline, increased from 21 to 24 cents per gallon; the special fuels tax would be increased from 23 to 26 cents per gallon; and the LP-gas tax would be increased from 20 to 23 cents per gallon.

Motor vehicle registration taxes were increased for passenger automobiles and motorcycles by \$5; and for various trucks by amounts ranging from \$2 to \$10, effective July 1, 2002.

Additionally, the 2002 Legislature reduced major modification and priority bridge set-aside projects (not yet identified) by \$40,000,000 from the State Highway Fund. The projects are identified on a one to three year planning horizon. Cuts were approximately one year of economic development, geometric improvement, railroad crossing surfacing, ITS, corridor management, priority bridge redeck, priority bridge, culvert-bridge, and state and local railroad grade separation funding funding for projects not yet identified.

# CTP FY 2000-2009 Revenue Summary (In Thousands)

## **Projected Ten-Year Expenses**

	3 <u></u>	Approved 1999	Approved 2003 Legislature	Agency's Revised Sept. 2003		\$ Change from Approved	% Change from Approved		Agency's Revised Nov. 2003	Gov. Rec. FY 2005	\$ Change from Approved	% Change from Approved
Routine Maintenance	\$	1,226,149	\$ 1,187,034 \$	1,184,567	\$	(41,582)	(3.4)%	\$	1,179,730 \$	1,184,434	(41,715)	(3.4)%
Substantial Maintenance		2,061,731	1,884,696	1,869,150		(192,581)	(9.3)%		1,869,150	1,816,817	(244,914)	(11.9)%
Major Modification and Priority Bridges		3,321,458	3,970,639	3,934,090		612,632	18.4%		3,931,545	3,863,246	541,788	16.3%
System Enhancements		979,993	1,081,501	1,092,458		112,465	11.5%		1,092,458	971,036	(8,957)	(0.9)%
General Aviation		30,000	296,285	29,712		(288)	(1.0)%		29,712	29,712	(288)	(1.0)%
Public Transit		103,823	106,820	110,638		6,815	6.6%		110,638	110,638	6,815	6.6%
Rail Assistance		44,410	40,139	37,334		(7,076)	(15.9)%		37,326	37,326	(7,084)	(16.0)%
Special City-County Highway Fund		1,599,821	1,593,082	1,558,509		(41,312)	(2.6)%		1,579,849	1,579,849	(19,972)	(1.2)%
Local Aid		1,041,867	986,727	959,486		(82,381)	(7.9)%		959,486	959,486	(82,381)	(7.9)%
KLINK Payments		33,600	32,288	32,288		(1,312)	(3.9)%		32,288	32,288	(1,312)	(3.9)%
Management and Other		729,604	744,768	739,287		9,683	1.3%		736,916	739,964	10,360	1.4%
Transfers Out		486,312	598,534	623,672		137,360	28.2%		621,262	777,304	290,992	59.8%
Debt Service (Existing and New)		1,198,034	1,286,886	1,162,402		112,083	9.4%	SHAR	1,152,628	1,152,628	145,515	12.1%
TOTAL Expenditures	\$	12,856,802	\$ 13,809,399 \$	13,333,593	5	624,506	4.9%	\$	13,332,988 \$	13,254,728	588,847	4.6%
Ending Balance	\$	281,607	\$ 113,820 \$	63,786 \$	5	(217,821)	(77.3)%	\$	149,703 \$	203,939	(230,743)	(81.9)%
Minimum Ending Balance	\$	220,237	\$ 464,875 \$	190,360 \$	5	262,883	119.4%	\$	200,019 \$	200,019	247,473	112.4%
Available Ending Fund Balance	\$	61,370	\$ (351,055) \$	(126,574)	5	(187,944)	(306.2)%	<u>\$</u>	(50,316) \$	3,920	(478,216)	(779.2)%

<sup>\*</sup> Source: KDOT estimates for FY 2005: 2003 Legislative Approved, September and November of 2003, and the Governor's FY 2005 CTP Cash Flow recommendation.

39703(2/24/4{1:17PM})