

SESSION OF 2014

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2693**

As Agreed to April 2, 2014

Brief*

Senate Sub. for HB 2693 would require the Secretary of Revenue to authorize community colleges and technical colleges, upon request, to administer the skills tests required for a person to obtain a commercial driver's license. The bill also would require the Secretary to grant priority status to any community or technical college with a truck driver training course in place on July 1, 2014. The Secretary would authorize testing that complies with federal requirements of 49 CFR Part 383 in an agreement between the requesting community college or technical college and the state. The Secretary would be required to adopt rules and regulations to implement the testing procedure by January 1, 2015. The bill would require the Secretary to accept the results of a person's skills tests administered by either a community college or a technical college. Finally, the bill would specify that third-party driver's license examiners would not be required to be included within the classified service under the Kansas Civil Service Act.

Conference Committee Action

The Conference Committee agreed to Senate Sub. for HB 2693, as recommended by the Senate Committee on Transportation, and further agreed to add a deadline requiring the Secretary to adopt rules and regulations to implement the testing procedure by January 1, 2015.

*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/klrd>

Background

At the House Committee hearing on HB 2693, as introduced, Representative Seiwert appeared as a proponent, indicating the bill was intended to address the issue of obtaining a commercial driver's license (CDL) in rural areas of the state. He stated the distances and time required in order to obtain a CDL translated into extra costs and that the bill would save businesses and individuals money. Other proponents included Representative Hoffman, Representative Waymaster who indicated Barton Community College also was in support of the bill, Representative Estes who appeared on behalf of Dodge City Community College, Representative Lusker who appeared on behalf of Fort Scott Community College, the President of Garden City Community College, a representative of the President of Hutchinson Community College, Representative Thimesch who appeared on behalf of a farm owner in his district, a legislator's intern who appeared on behalf of a farmer/custom harvester from Kingman and Reno counties, and the Vice-president of Barton Community College. Written testimony in support of the original bill also was distributed to members of the Committee on behalf of the Finney County Economic Development Corporation and WindRiver Grain, LLC, of Garden City. Neutral testimony on the original bill was provided by the CDL Manager of the Division of Vehicles, Kansas Department of Revenue. No opponents presented testimony on the original bill.

The original bill would have required the Secretary of Revenue to authorize CDL testing at community colleges named in the bill, upon the college's request. The House Committee on Agriculture and Natural Resources amended the bill to authorize any community college or technical college in the state to request the authority from the Secretary of Revenue to administer the knowledge and skills tests required in order to obtain a CDL. The Committee also amended the bill to clarify that the Secretary of Revenue would authorize the testing in an agreement between the requesting community college and the state that complies

with the requirements of federal regulations. In addition, the Committee added language to permit technical colleges, as well as community colleges, to participate. Finally, the Committee struck a section of the bill that would have allowed the Division of Vehicles authority to issue a seasonal CDL for the operation of commercial class A, in addition to commercial class B and commercial class C motor vehicles. (The Committee was told that this provision would have made the state non-compliant with federal regulations and would jeopardize federal funding. A class A license allows its holder to drive vehicles or combinations of vehicles with gross vehicle weight ratings of 26,001 pounds or more, with some exceptions.)

The House Committee of the Whole amended the bill to require that the Secretary of Revenue grant priority status to requests to administer CDL knowledge and skills tests made by Hutchinson Community College, Pratt Community College, Barton County Community College, Garden City Community College, Fort Scott Community College, and Dodge City Community College. The House Committee of the Whole also amended the bill to require that the CDL testing administered by the community colleges and technical colleges must comply with all of the federal regulations in 49 CFR Part 383 and not just 49 CFR 383.75.

At the Senate Committee on Transportation hearing on the bill, the President of Seward County Community College/Area Technical School (SCCC/ATS) provided written testimony in support of the bill and requested SCCC/ATS be added to the list of schools granted priority status. The Kansas Agribusiness Retailers Association, Kansas Association of Ethanol Processors, Kansas Cooperative Council, and Kansas Grain and Feed Association provided joint written testimony in support of the bill. The Senate Committee also received copies of proponent testimony from the House Committee hearing on the bill.

The President of the Kansas Association of Technical Colleges testified in opposition to the bill because the bill granted priority status to certain institutions. A representative of the Division of Vehicles offered neutral testimony.

The Senate Committee made multiple amendments to the bill. The Committee amended the bill to remove the authorization of community and technical colleges to conduct commercial driver's license knowledge testing, which it was told would be a violation of federal law. The Committee also amended the bill to grant priority status to community and technical colleges with truck driver training programs in place on July 1, 2014, and removed the list of specifically named community colleges receiving such status. Finally, the Senate Committee amended the bill to include the provisions of SB 441, as amended. (Background on SB 441 is provided below.) The Senate Committee placed the amended contents into a substitute bill.

The fiscal note on HB 2693, as introduced, states the bill would have a negligible fiscal effect upon revenues from commercial driver's licenses that are remitted to the State Highway Fund. The fiscal note on the original bill also indicated a portion of the bill could put Kansas out of compliance with federal requirements. (This provision was removed from the bill by the House Agriculture and Natural Resources Committee.) The fiscal information noted the provision could result in the loss of approximately 5.0 percent of federal highway funds, which would amount to approximately \$17.0 million in federal highway funds in the first year. The fiscal note also states the agency is still assessing the fiscal effect of this bill. A memorandum from the Department of Revenue to the Division of the Budget provided to the Senate Committee states the amendment adding that any community or technical college will be authorized upon request could mean the Department will need as many as five additional driver's license specialists for retesting of applicants and auditing purposes required under federal law. It estimated total costs of approximately \$311,370 in FY 2015 to be paid out of the Vehicle Operating Fund. No

updated fiscal note was available at the time of the Senate Committee's action. Any fiscal effect associated with the bill is not reflected in *The FY 2015 Governor's Budget Report*.

SB 441 was introduced by the Senate Committee on Ways and Means. At the Senate Committee on Transportation hearing, a representative of AAA Kansas testified in support of the bill. The representative explained that legislation passed in 2013 authorized the Division of Vehicles to contract with third-party driver's license examiners, but the requirement that all driver's license examiners be members of the classified service under the Kansas Civil Service Act prevented the Division from entering into such contracts. No other testimony was provided.

Prior to inserting SB 441 into HB 2693, the Senate Committee amended SB 441 to clarify that only third-party driver's license examiners would not be required to be included in the classified service under the Kansas Civil Service Act.

In a fiscal note for SB 441, as introduced, prepared by the Division of the Budget, the Department of Revenue indicates SB 441 would have no fiscal effect on its operations.

commercial driver's license; CDL; community colleges; Department of Revenue; technical colleges

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