

M I N U T E S

SPECIAL COMMITTEE ON TRANSPORTATION AND UTILITIES

October 21, 1977Room 510S-State HouseMembers Present

Representative Lee Hamm, Chairman
Representative Robert Talkington, Vice-Chairman
Senator Mike Johnston
Senator Tom Rehorn
Senator John Vermillion
Representative Arnold Anderson
Representative Clifford Campbell
Representative Arden Dierdorff
Representative James H. Guffey
Representative Ivan Sand
Representative Jack Shriver

Staff Present

Hank Avila, Kansas Legislative Research Department
Alan Alderson, Revisor of Statutes Office

Conferees Present

Mary Turkington, Kansas Motor Carriers Association, Topeka, Kansas
Curtis Cary, Kansas Motor Carriers Association, Topeka, Kansas

October 21, 1977Morning Session

Chairman Hamm called to order the meeting of the Special Committee on Transportation and Utilities at 10:00 a.m. He called on staff to explain the Committee report on Proposal No. 61, City Connecting Links. A point of discussion centered on page 3, item 4, which stated that "The state should participate with the cities in the cost of street lighting." Mr. Alderson stated that the present law is unclear, and that the bill proposed by the Committee ought to clarify that the cost of street lighting is not a negotiable item and that it is not the responsibility of the DOT.

Mr. Alderson also stated that the proposed bill had been submitted to the Coordinating Council for pre-filing and that the Council is retaining all proposed bills until the interim meetings are completed and all pre-filed bills turned in. He added that it will then be determined which chamber will introduce each bill.

Discussion followed on page 5, item 3, relating to the sentence stating, "In addition, an increase in the \$750 amount would decrease the amount of Highway General Funds available for the 3-R construction program." Senator Vermillion asked why such action depleted general fund money and not freeway fund money.

Representative Hamm replied that bonds were sold specifically for the freeway program and the terms of the bonds would prohibit the use of the funds for other highway purposes. He added that the funds were already obligated.

Senator Talkington stated that whatever funds are left for highways are used for the 3-R program. He noted that when additional funds are authorized for other highway purposes, the effect is felt on the 3-R program.

Representative Shriver stated that at the present time the 3-R program has the least priority. He stated that legislation is being drafted and a bill will be pre-filed that will specifically dedicate 3-R funds.

Senator Johnston made a motion, seconded by Senator Vermillion, that the above sentence under discussion be deleted in item 3, page 5. The motion carried.

Senator Johnston made a motion, seconded by Senator Talkington, that the Committee Report on Proposal 61, with the deletion, be adopted. The motion carried. Chairman Hamm told Senator Rehorn Mr. Avila would assist him in preparing a minority report to be pre-filed with the Committee report.

The Committee then turned its attention to Proposal No. 62, Motor Vehicle Registration Fees.

The Chairman called on Mr. Avila to explain the Committee report. There followed considerable discussion regarding the last sentence of the first paragraph on page 3, i.e., "The Committee felt that a tighter definition might alleviate the abuse of farm truck registrations by regular truck owners." This sentence is followed by: "The Special Committee on Transportation recommends that no new changes be adopted concerning motor vehicle registration fees."

The question was raised as to whether this language would leave the impression that the Committee received positive testimony but refused to consider it. Mr. Alderson recalled that at one point the Committee looked at the possibility of tightening the farm truck definition to prevent reported farm truck registration abuses. He added that the Committee subsequently discovered that such acting would cause unfavorable inequities. He suggested adding a statement to reflect the proper intention of the Committee.

Senator Talkington added that the Committee felt that the present definition is not inadequate and that it was a matter of enforcing the present law. He said that even if the definition should be changed, the enforcement problem would still be present. He added that the Committee had thoroughly checked the problem but could not offer a viable alternative.

Representative Anderson made a motion, seconded by Senator Vermillion, that Mr. Alderson's recommendation for changing the wording be used and that the Committee Report on Proposal 62 be adopted. The motion carried.

The next proposal to be considered was Proposal No. 63, International Registration Plan.

Representative Shriver asked for clarification as to whether the refund section covered a leased vehicle, page 4, c.

Miss Turkington was asked by the Chairman to respond. She stated that as she understood the draft of the refund provision, it would not permit any refund for an amount less than \$50.

Miss Turkington stated that under the statutes of Kansas, if a person leases for 30 days or more he becomes the owner. Trip-leases are for 29 days or less. A lessor retains title and provides the registration slip or permit. The lessee, she noted, makes application for refund. She said that it would be the lessee's responsibility whether he refunded to the lessor.

The question was raised on page 4, section a, that by redefining "fleet" from three vehicles to one, if such change created problems in other statutes.

Mr. Alderson replied that it affected only the proration.

Miss Turkington then explained why initially the trucking industry was opposed to the IRP. She said that the trucking industry felt that the numbers of fleet should be expanded, not reduced. She said that the reason the IRP included single-owner operation individuals was because such people asked for it. She added that the effect of IRP is to require single owners of a truck having a gross weight of 26,000 pounds to prorate such vehicles that operate through Kansas.

Senator Talkington asked Miss Turkington if the trucking industry favors joining the IRP now. Her reply was affirmative. She stated that prior testimony before the Committee stated such.

Mr. Alderson stated that on page 18 of the bill, line 653, requested language was added to cover an appeal provision relative to audit.

Senator Johnston made a motion, seconded by Senator Talkington, that the Committee Report on Proposal 63 be adopted. The motion carried.

The meeting was recessed until 1:00 p.m.

Afternoon Session

Chairman Hamm called on Mr. Avila to explain the Committee report on Proposal No. 64, Declining Highway Revenue.

Chairman Hamm stated that on page 2, paragraph 1, "and general fund appropriations" should be stricken because there are presently no funds available from the general fund.

Objection was expressed to item 3 on page 13.

After considerable discussion, Senator Johnston made a motion, seconded by Representative Shriver, that item 3 on page 13 be deleted. The motion carried.

The Chairman stated that the Committee should make the recommendation that a 1978 Committee be assigned to study the proposal further with the notion of making a recommendation to the 1979 Session of the Legislature.

Senator Johnston noted that it might be more appropriate to address the problems as a member of a standing committee of the Legislature. He added that it could be done in both the Senate and House.

Representative Shriver stated that from previous testimony, there were still questions in his mind as to how much time it actually took for the preparation and construction on 3-R projects. 3-R is not defined satisfactorily, he noted.

Representative Guffey added that he felt the Committee was faced with unknown factors as far as plans from federal government was concerned. He made a motion, seconded by Senator Johnston, that the Committee recommend a study for 1979. The motion carried.

Representative Dierdorff made a motion that the Committee recommend the study of the Kentucky system of road building. The Chairman said the Committee did need to list everything that needed to be studied, and Representative Dierdorff withdrew his motion.

Senator Johnston made a motion, seconded by Representative Guffey, that Committee Report on Proposal No. 64 be adopted. The motion carried.

Senator Johnston made a motion, seconded by Representative Dierdorff, that the minutes of September 20 and 21, 1977, be approved. The motion carried.

Senator Rehorn made a motion, seconded by Senator Johnston, that the minutes of the meeting of October 21 be distributed to the Committee members and if no corrections were received within five days, the minutes would be considered approved. The motion carried.

The Chairman thanked the Committee members and staff for cooperation and time given during the summer studies.

The meeting was adjourned.

Prepared by Hank Avila

Approved by Committee on:

(date)