

Approved 4/22/83
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rep. Rex Crowell at
Chairperson

1:38 ~~xxx~~ a.m./p.m. on February 15, 1983 in room 519-S of the Capitol.

All members were present except: Joan Adam, excused.

Committee staff present:

Fred Carman, Revisor of Statutes
Hank Avila, Legislative Research
Pam Somerville, Committee Secretary

Conferees appearing before the committee:

Rep. Kenneth King
Gerald Scheutz, Superintendent USD 205
Rep. Leary Johnson
Paul Fleener, Kansas Farm Bureau
F. J. Reid, Bureau Chief, KDOT
Steve Montgomery, Department of Revenue
John Scheirman, KDOT

The first order of business was HB 2350. Rep. King, sponsor of the bill, briefed the committee on the bill's contents. Mr. Gerald Scheutz testified in support of the measure (Attachment 1). The Chairman opened the meeting to committee questions. Rep. Ott mentioned a bill had been passed in the 1982 legislature which would allow school districts to pre-pay the diesel fuel tax. The Chairman affirmed. Mr. Scheutz indicated some people in the Department of Revenue must not be aware of the law.

Mr. Steve Montgomery opposed the bill reiterating that a bill had passed in the 1982 session which would allow school districts to pre-pay the diesel fuel tax. He invited Mr. Scheutz to join him after the meeting and they would clear up any problems his school district was encountering.

The next order of business was HB 2225, dealing with hauling large round hay bales. Rep. Johnson, co-sponsor of the bill, presented testimony to the committee. Rep. Johnson explained that HB 2225 would repeal the 50-mile travel restriction, increase the allowable height to 14'6", and place full liability on the hauler for any damage done should a loaded vehicle strike an overpass or other obstacle. (Attachment 2)

Rep. Johnson explained to the committee that two additional proponents scheduled for testimony were not able to attend due to inclement weather. The Chairman extended an invitation for them to appear at a later date.

Chairman Crowell opened the floor to questions. Chairman Crowell asked why the figure of 14'6" was chosen. Rep. Johnson explained it was the height requested by some haulers and would allow for double stacking of the round bales.

Rep. Erne asked about language in lines 57-59 and whether there would be any changes in the width of the loads. Rep. Johnson stated the stricken language removes the mileage limitation and load width would continue to be 12'.

Mr. Paul Fleener, Kansas Farm Bureau gave brief testimony supporting HB 2225.

The Chairman introduced Mr. F. J. Reid, Bureau Chief, Kansas Department of Transportation. Mr. Reid testified in opposition to HB 2225 expressing KDOT's concerns regarding this bill. The primary concern of the department is that a vehicle loaded to a height of 14'6" would tend to be unstable when negotiating curves on the road due to increased height and weight. KDOT also felt that although the bales would settle when stacked two high, they (KDOT) did not feel they would settle to any substantial degree and therefore still be over the proposed 14'6" height. (Attachment 3).

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:38 XX a.m./p.m. on February 15, 1983

Chairman Crowell opened the floor to committee questions. Committee questions and discussion revolved around the settling of the bales. Several members thought the bales would settle to the proposed height and asked KDOT to provide additional information regarding other states and allowable heights in such states.

The next item was additional discussion on HB 2194 dealing with U-Turns. Chairman Crowell suggested the committee might want to incorporate the language in (g) and (h) from HB 2164 into HB 2194. The Chairman passed out a draft of proposed changes and asked Mr. Bob Haley, KDOT, to brief the committee on the proposed changes.

Mr. Haley explained to the committee that there was one error in the draft (Attachment 4). The language from (h) of HB 2164 was not included and should be. Mr. Haley also pointed out that the draft spoke to the Chairman's concerns by allowing a driver to stop due to illness or incapacity of the driver. Rep. Johnson made the motion to adopt the amendments to HB 2194. The motion was seconded by Rep. Erne. Motion passed.

Rep. David Webb moved the committee pass favorably HB 2194 as amended. The motion was seconded by Rep. Erne. Motion passed.

Rep. Erne moved HB 2164 be reported adversely. The motion was seconded by Rep. Wilbert. Motion passed.

Committee discussion turned to HB 2110, and it was felt that additional information was needed before action could be taken.

Chairman Crowell then advised the committee that Rep. Erne had shown him substantial information regarding the use of "quotas" by the Kansas Highway Patrol. A bill draft concerning the use of "quotas" was handed out to the committee (Attachment 5). Rep. Erne moved to introduce the draft as a committee bill. The motion was seconded by Rep. Dillon. Motion passed.

The meeting was adjourned at 2:50 p.m.


Rex Crowell, Chairman

L. Gerald Schuetz
Superintendent
USD No. 205
Leon, KS 67074

I would like to speak in support of HB 2350. Currently the requirements relate to school districts as though we were dealers of special fuels (diesel).

Current requirements call for a license along with a fee of \$5.00, a bond of \$1,000 minimum, and monthly reports at which time the tax is to be paid to the State on fuel purchased.

By elimination of the requirements mentioned, a school district could purchase from a bona fide dealer, tax paid. This dealer, in turn, could then submit the tax to the State along with his regular monthly report and tax payment in much the same manner as is currently done for school district purchases of gasoline.

This procedure is currently available by requesting a waiver. However, prior to requesting a waiver, it is necessary to purchase the license which in turn required the bond before license is issued.

My concern, is not that of wanting the tax eliminated, but merely a simplified method of paying the tax without the necessity of a bond and monthly reports.

In our particular case, we own only one vehicle that uses diesel fuel, and we have 300 gallon storage capacity. Considering that this one bus will travel approximately 9,000 miles per year, we will only purchase diesel fuel about 3 times per year at the most 4 times per year. This would mean sending in 8 or 9 monthly reports reporting zero purchase and zero tax due.

This passage of HB 2350 will benefit those school districts with diesel powered vehicles by simplifying the regulations.



TOPEKA

HOUSE OF
REPRESENTATIVES
 COMMITTEE ASSIGNMENTS
 MEMBER AGRICULTURE AND LIVESTOCK
 INSURANCE
 TRANSPORTATION

Attach 2

 LEARY J. JOHNSON
 REPRESENTATIVE 118TH DISTRICT
 LOGAN, GOVE, GRAHAM, TREGO
 AND PARTS OF NESS AND ROOKS COUNTIES
 1000 WARREN AVE
 WAKEENEY, KANSAS 67672

Subject: HB 2225

By: State Representative Leary J. Johnson

Mr. Chairman, members of the committee, as the co-sponsor of HB 2225 with Representative Campbell, I wish to make a few comments on the purpose of the bill.

With the new federal restraints and financial burdens placed on the trucking industry, it becomes imparitive that we address ways to insure availability and continuence of service at the lowest cost to consumers.

HB 2225 addresses both the farming and trucking industry. It essentially affects the producer, the transporter and the feed lot operator.

The bill provides for the repeal of the 50 mile travel restriction involving transporting round bales. It will also increase the allowable height to 14' 6" and places full liability on the hauler.

In Kansas, most of the feed stocks are grown in the northern part of the state where the climate and conditions are more favorable. This is considered a primary crop in many instances. A farmer's livelihood and survival can well depend on the location of markets. These markets are normal feed yards which are located in the southern part of the state. In many cases, the present 50 mile restriction limits available markets and can conceivable create an unfair advantage for a few. By deleting

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this restriction, current operations could be expanded and personal economics improved. Additionally, the carrying capacity is currently limited and proves uneconomical.

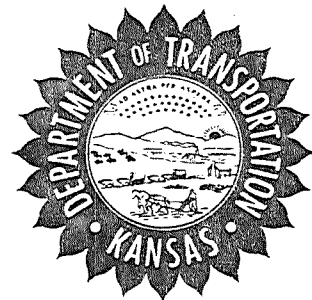
The increased height provisions, increasing the current law which is 13' 6" to 14' 6" will allow the stacking of bales. The size and volume would be significantly increased to provide for better utilization and effectiveness.

Your favorable action in this matter will prove to be in the best interests of Agriculture and the trucking industry.

Attach 3

KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

MEMORANDUM TO: House Committee on Transportation

FROM: Kansas Department of Transportation

DATE: February 15, 1983

REGARDING: House Bill 2225

I. SUMMARY.

House Bill 2225 would amend K.S.A. 8-1904 to allow for the movement of loads of cylindrical shaped bales of hay up to a height of 14 feet 6 inches.

I. COMMENTS.

As specified in K.S.A. 8-1904(a), no vehicle shall exceed a height of 13½ feet. Vehicles within this dimension may travel on the highways without the need for a special permit, (assuming that all other factors are also within certain dimensions). Vehicles over 13½ feet are presently required to secure a special permit for the movement of the vehicle or load. A permit fee of five dollars is charged at time of application.

The issuance of special permits is done to provide for the safe transport of equipment and materials on the state's highways.

III. FISCAL IMPACT.

The fiscal impact of House Bill 2225 would be difficult to project.

IV. AGENCY POSITION.

The Kansas Department of Transportation has concerns with the unrestricted movement of hay hauling vehicles with a height of 14 feet 6 inches. Vehicles loaded to such a height tend to be unstable when negotiating curves on the road due to the increased weight at that height. Concern also needs to be expressed with these vehicles traveling on roads where over the road structures such as bridges cannot accomodate them.

It is questionable whether a height allowance of 14 feet 6 inches would allow for the transport of these hay bales. Contacts with New Holland equipment dealer indicated that they dealt in three sizes of large round balers, 4½ feet, 5 feet and 5½ feet. Additional information obtained from a tractor sales company indicated their standard flatbed truck with standard wheels and tires measured 55½ inches from the roadway at the back of the trailer to 60 inches at the front.

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Loads of hay on such a vehicle would reach the following heights:

Hay Bale	Trailer	
	Front <i>BACK</i>	Back <i>FRONT</i>
4½ foot	13' 7"	14"
5 foot	14' 7.5"	15'
5½ foot	15' 7.5"	16'

Allowing for settlement of the vehicle springs under loaded conditions would not radically change the above figures.

The Kansas Department of Transportation does not support passage of House Bill 2225.

HOUSE BILL NO. _____

By Committee on Transportation

AN ACT relating to vehicles; traffic regulation on certain highways; amending K.S.A. 8-1524 and repealing the existing section; also repealing K.S.A. 1982 Supp. 68-1906.

Be it enacted by the Legislature of the State of Kansas:

Sec. 1. K.S.A. 8-1524 is hereby amended to read as follows:

~~8-1524. Whenever any highway other than interstate systems roads under the jurisdiction of the turnpike authority and other fully controlled access highways has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right hand roadway unless directed or permitted to use another roadway by official traffic control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by public authority. Every such opening which is not intended for such crossovers shall have signs so designating placed by the public authority.~~

(a) No person shall:

(1) Drive a vehicle over, upon or across any intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways on divided highways;

(2) make a left turn or a semicircular or "U" turn on the interstate system;

(3) make a left turn or a semicircular or "U" turn over, across or within any intervening space, physical barrier or a

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clearly indicated dividing section so constructed as to impede vehicular traffic between roadways on a divided highway, except this paragraph (3) does not prohibit making a left turn or a semicircular or "U" turn through an opening provided and surfaced for the purpose of public use for such turning movement;

(4) make a left turn or a semicircular or "U" turn on a divided highway wherever such turn is specifically prohibited by a sign or signs placed by the authority having jurisdiction over that highway;

(5) drive any vehicle on a divided highway except on the proper roadway provided for that purpose and in the proper direction and to the right of the intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways unless directed or permitted to use another roadway by official traffic-control devices or police officers; or

(6) drive any vehicle onto or from any controlled-access highway except at such entrances and exits as are established by the authority having jurisdiction over such highway.

(b) Violation of this section is a misdemeanor. Upon conviction of violation of this section, the violator shall be punished by a fine of not less than \$5 nor more than \$100, or by imprisonment for not less than 10 days nor more than 30 days, or by both such fine and imprisonment.

Sec. 2. K.S.A. 8-1524 and K.S.A. 1982 Supp. 68-1906 are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

HOUSE BILL NO. _____

By Committee on Transportation

AN ACT concerning the Kansas highway patrol; amending K.S.A. 74-2114 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 74-2114 is hereby amended to read as follows: 74-2114. The personnel of the Kansas highway patrol shall be paid compensation for their services as determined by the superintendent in accordance with ~~provisions of applicable laws, rules, and regulations;~~ Provided, ~~That personnel whose positions are by this act placed for the first time within the classified service of the Kansas civil service shall suffer no reduction in pay thereby, but in particular each one shall be paid on a step within the authorized salary range of the approved class of positions that either coincides with or is the next step above the payroll monthly gross amount of pay that would be payable had this statute not been enacted;~~ Provided further, ~~That~~ the Kansas civil service act. Military service of any member of the highway patrol who leaves or has left said the highway patrol for the purpose of serving in any branch of the armed forces of the United States, during any war or national emergency and who returns to said the highway patrol within ~~sixty (60)~~ 60 days after his release therefrom, shall be considered as service with the highway patrol for the purpose of calculating any longevity pay increase and the governor shall have the power to determine when a national emergency exists or has existed in applying this provision.

~~The salary of each member of the patrol shall be fixed by the superintendent in accordance with the Kansas civil service act.~~ All members of the patrol shall receive their actual and necessary traveling expenses and all salaries shall be paid

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monthly. The Kansas highway patrol superintendent shall hold office at the pleasure of the governor. The personnel of the Kansas highway patrol other than the superintendent shall serve upon first appointment for a probationary period of one ~~(1)~~ year. The superintendent ~~is authorized to~~ may assign any major, captain, lieutenant, sergeant or trooper for duty ~~other than the~~ at another place to which he is than where such person is presently assigned and shall pay ~~his~~ the necessary moving expense from the state highway patrol fund. No quota, productivity or other enforcement administrative system or any system requiring members to make a certain number of arrests shall be established or applied to determine promotion, compensation or other change in the status, privileges or duties of any member of the highway patrol. Reasonable instructions on duty performance, unrelated to penalties or privileges of a member of the highway patrol for any enforcement quota or productivity, are not prohibited by this section.

Sec. 2. K.S.A. 74-2114 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.