

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Rex Crowell at
Chairperson

5:00 ~~xxx~~/p.m. on March 6, 1985 in room 519-S of the Capitol.

All members were present except: Representatives Spaniol and Sutter, excused

Committee staff present:

Hank Avila, Legislative Research Department
Fred Carman, Office of Revisor of Statutes
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

None

The meeting was called to order by Chairman Rex Crowell, and the first business was Committee discussion and action on HB-2493 concerning federal assistance for rail transportation.

A motion was made by Representative Erne to enter into the Minutes that state law found at K.S.A. 75-5025 is in compliance with the federal requirements. The motion was seconded by Representative Harper. Motion passed. (See Attachment 1)

The next bill taken up for Committee discussion and action was HB-2515 which clarifies the manner in which motor carriers are required to register their power equipment annually with the KCC.

Fred Carman explained a balloon on HB-2515. A motion was made by Representative Patrick that the amendments be adopted. The motion was seconded by Representative Ott. Motion Passed.

A motion was made by Representative Patrick that HB-2515 be recommended favorable for passage as amended. The motion was seconded by Representative Justice. Motion passed.

The next bill taken up for Committee discussion and action was HB-2548 concerning natural gas pipeline safety. Representative Erne made the motion to report HB-2548 adversely. The motion was seconded by Representative Freeman. Motion passed.

The next bill taken up for Committee discussion and action was HB-2549 dealing with approval for issuing handicapped parking permits and rental of vehicles to handicapped persons.

A motion was made by Representative Patrick that HB-2549 be tabled. The motion was seconded by Representative Justice. Motion passed.

The next bill taken up for Committee discussion and action was HB-2463 concerning admission of evidence relating to nonuse of seat belts in certain actions.

Representative Patrick made the motion to report HB-2463 adversely. The motion was seconded by Representative Dillon. Motion passed.

The next bill taken up for Committee discussion and action was HB-2462 concerning enacting the Kansas Highway Contractor Development Act which would provide for a set aside of certain projects for bidding by disadvantaged business enterprises. The motion was made by Representative Patrick to amend the bill to sunset after four years. The motion was seconded by Representative Shore. Motion passed.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 5:00 ~~xxx~~ p.m. on March 6, 1985.

Representative Patrick made the motion to insert "competitive" in Line 24 before the word "bid". The motion was seconded by Representative Justice. Motion passed.

Representative Patrick made the motion to recommend HB-2463 as amended favorable for passage. The motion was seconded by Representative Justice. Motion passed.

The next bill taken up was HB-2474 concerning seasonal construction employees. Representative Patrick made a motion to recommend HB-2474 favorable for passage. The motion was seconded by Representative Adam.

Representative Erne made a substitute motion to delete the words "holiday pay" in Line 54. The motion was seconded by Representative Dillon. Motion passed.

It was moved by Representative Erne to recommend HB-2474 as amended favorable for passage. The motion was seconded by Representative Dillon. Motion passed.

The next bill taken up for Committee discussion and action was HB-2524 concerning areas designated as commercial zones by the ICC. Fred Carman briefed the Committee on the bill and distributed a balloon. (See Attachment 2)

A motion was made by Representative Snowbarger to adopt the amendments in the balloon. The motion was seconded by Representative Brown. The motion passed.

A motion was made by Representative Snowbarger to recommend HB-2524 as amended favorable for passage. The motion was seconded by Representative Brown. The motion passed.

The next bill taken up for Committee discussion and action was HB-2023 concerning the transfer of sales tax revenue from the General Fund to the Highway Fund. Tom Severn briefed the Committee on the contents of the bill.

A motion was made by Representative Ott to table HB-2023. The motion was seconded by Representative Moomaw. The motion failed 10-6 on a division.

It was moved by Representative Schmidt to recommend HB-2023 favorable for passage. The motion was seconded by Representative Adam.

Representative Knopp made a substitute motion to amend the bill by deleting Sections 1 and 2. The motion was seconded by Representative Patrick. The motion failed 11-5 on a division.

A substitute motion was made by Representative Patrick in Lines 38, 40, 42, 44, and 46 to change the fraction denominator to 53 instead of 42. The motion was seconded by Representative Knopp. The motion failed 11-5 on a division.

Representative Ott made a substitute motion to table HB-2023. The motion was seconded by Representative Moomaw. The motion failed 9-5 on a division.

A vote was taken on the original motion to report HB-2023 favorably. Motion passed 11-3 on a division. Representative Moomaw wished to be recorded as voting "no".

The next business was Committee discussion and action on HB-2451 concerning municipal traffic regulation and infractions.

Representative Snowbarger explained amendments shown in a balloon recommended by the subcommittee. (See Attachment 3)

A motion was made by Representative Snowbarger to adopt the recommended

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 5:00 ~~xxx~~ p.m. on March 6, 1985

amendments to HB-2451. The motion was seconded by Representative Lacey. Motion passed.

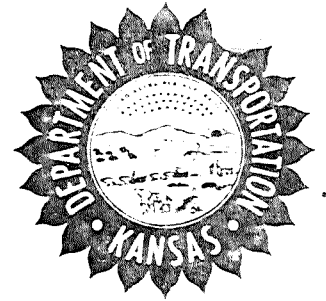
A motion was made by Representative Snowbarger that HB-2451 be recommended favorable for passage as amended. The motion was seconded by Representative Lacey. Motion passed. Representative Erne requested to be recorded as abstaining.

The meeting was adjourned at 6:40 p.m.


Rex Crowell, Chairman

KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

MARCH 6, 1985

The Honorable Rex Crowell
Chairman, House Transportation Committee
Room 431-N
Statehouse
Topeka, KS 66612

Dear Chairman Crowell:

I would like to clarify several questions which have arisen on legislation that is before your committee for consideration.

The Department requested legislation (H.B. 2474) from your committee to authorize the Secretary of Transportation to hire project laborers during the construction season to work on construction projects. The construction season is understood to run between the months of April and December (inclusive). The bill would affect employees of the agency and is not intended to impact employment by contractors.

House Bill 2493 was requested by the Department to enable compliance with 49 CFR Part 266 for purposes of receiving Federal Rail Assistance funds. Should the Committee find the legislation not required because of a finding that the state law found at K.S.A. 75-5025 is in compliance with Federal requirements the Department would request the Committee's minutes reflect such opinion.

Minority set aside (Disadvantaged businesses) legislation request by the Department would provide an additional way for the state to comply with the minority-set aside provisions on federal-aid contracts as required by the STAA of 1982. Disadvantaged business contractors would be required to meet bonding and other requirements prior to submitting bids on set-aside projects.

If I can be of further assistance please let me know.

Sincerely,

JOHN B. KEMP, P.E.
SECRETARY OF TRANSPORTATION

JBK-LDM-ERD:dc

Attachment 1
3/6/85 (5:00 PM)

HOUSE BILL No. 2524

By Committee on Transportation

2-26

0017 AN ACT concerning areas designated commercial zones by the
0018 interstate commerce commission; amending K.S.A. 79-34,120
0019 and K.S.A. 1984 Supp. 66-1,109 and repealing the existing
0020 sections.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1984 Supp. 66-1,109 is hereby amended to
0023 read as follows: 66-1,109. This act shall not apply to:

0024 (a) Transportation by motor carriers wholly within the cor-
0025 porate limits of a city or village in this state, or between contig-
0026 uous cities or villages in this state or in this and another state, or
0027 between any city or village in this or another state and the
0028 suburban territory in this state within three miles of the cor-
0029 porate limits thereof, *or between cities and villages which are*
0030 *within territory designated as a commercial zone by the inter-*
0031 *state commerce commission, ~~in this state or in this state and~~*
0032 *another state*, except that none of the exemptions specified in
0033 this subsection (a) shall apply to local wrecker carriers and none
0034 of such exemptions shall apply to motor carriers of passengers
0035 (other than motor carriers of passengers operating as a part of the
0036 general transit system serving any such city or village in this or
0037 another state) operating on regular routes and time schedules
0038 between any city or village in this or another state, and the
0039 suburban territory in this state;

in this state and cities and villages in another state

0040 (b) private motor carriers who operate within a radius of 25
0041 miles beyond the corporate limits of ~~such~~ city or village, or
0042 ~~between cities and villages which are within territory desig-~~
0043 ~~nated as a commercial zone by the interstate commerce com-~~
0044 ~~mission in this state or in this state and another state;~~

a

who operate between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the interstate commerce commission

0045 (c) the owner of livestock or producer of farm products trans-

Attach. 2

Attch. 2
3/6/85 (5:00 PM)

0120 the business of buying, selling or exchanging implements of
0121 husbandry, if such operation is within 100 miles of such person's
0122 established place of business in this state; and

0123 (q) transportation by taxi or bus companies operated exclu-
0124 sively within any city or within 25 miles of the point of its
0125 domicile in a city.

0126 Sec. 2. K.S.A. 79-34,120 is hereby amended to read as fol-
0127 lows: 79-34,120. Nothing in this act shall apply to any vehicle
0128 operated by or for: (a) This state or any of its agencies or
0129 subdivisions, or (b) the United States or any of its agencies, or (c)
0130 any agency of two (2) or more states, or (d) any agency of one or
0131 more states and the United States. Nothing in this act shall apply
0132 to any vehicle used exclusively within an area composed of two

0133 (2) contiguous cities or municipalities which has been desig-
0134 nated as a commercial zone by the interstate commerce com-
0135 mission. Nothing in this act shall apply to any school bus as

0136 defined by the laws of this state operated by, for or on behalf of a
0137 state, any subdivision thereof, or any private or privately
0138 operated school or schools. Nothing in this act shall apply to any
0139 vehicle having farm registration issued under authority of K.S.A.
0140 8-143 and amendments thereto, or to any vehicle, registered in a
0141 state other than Kansas, which would qualify for farm registration
0142 under the provisions of K.S.A. 8-143 and amendments thereto.

0143 Sec. 3. K.S.A. 79-34,120 and K.S.A. 1984 Supp. 66-1,109 are
0144 hereby repealed.

0145 Sec. 4. This act shall take effect and be in force from and
0146 after its publication in the statute book.

two contiguous

in this state in territory

nor to a vehicle operating between a city or village in this state and
a city or village in another state in such territory

Sec. 3. K.S.A. 8-143c is hereby amended to read as follows:
8-143c. The owner of any truck or truck tractor, which is registered and licensed in some other state, not entitled to reciprocal privileges while being operated in interstate commerce on the highways of this state, and which truck or truck tractor has a gross weight, as defined in subsection (2) of K.S.A. 8-143 and amendments thereto, in excess of ~~twelve--thousand--(12,000)~~ 12,000 pounds, may in lieu of payment of the annual license fee for such vehicle pursuant to the provisions of K.S.A. 8-143 and amendments thereto, or K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto register ~~said~~ such vehicle and obtain temporary registration from the division of vehicles authorizing operation of such vehicle on the highways of this state in interstate commerce for a period of not to exceed ~~seventy-two~~ (72) 72 hours. The fee for such temporary registration ~~shall be twenty-dollars-(20)~~ is \$20, which shall be deposited by ~~said~~ the division as provided by K.S.A. 8-146 and amendments thereto. Where such fee is paid on a truck or truck tractor no registration or fee shall be required for a trailer or semitrailer duly registered in this or another state and propelled by such truck or truck tractor. The secretary of revenue shall adopt rules and regulations to effectuate the purpose of this section. A temporary registration as provided in this section is not required for a truck or truck tractor which is registered and licensed in some other state and which operates between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the interstate commerce commission.

HOUSE BILL No. 2451

By Committee on Transportation

2-19

0017 AN ACT concerning regulation of traffic; relating to the pro-
0018 cedure for enforcement of municipal traffic laws; relating to
0019 ordinance traffic infractions; amending K.S.A. 12-4516 and
0020 K.S.A. 1984 Supp. 8-2110, 12-4212 and 12-4305 and repealing
0021 the existing sections.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 New Section 1. (a) When a person is charged with an ordi-
0024 nance traffic infraction, the notice to appear shall provide a place
0025 where the person may make a written entry of appearance, waive
0026 the right to a trial and plead guilty or no contest. The notice to
0027 appear shall provide a space in which the law enforcement
0028 officer, except as provided in subsection (b), shall enter the
0029 appropriate fine specified in the fine schedule established by the
0030 municipal judge in accordance with K.S.A. 12-4305 and amend-
0031 ments thereto. Either the notice to appear or a separate form
0032 provided to the person by the law enforcement officer shall
0033 provide an explanation of the person's right to appear and right to
0034 trial, the person's right to pay the appropriate fine prior to the
0035 appearance date, and that failure to either pay such fine or
0036 appear at the specified time may result in the suspension of the
0037 person's driver's license or issuance of a warrant for the person's
0038 arrest. The law enforcement officer shall provide the person with
0039 the address of the municipal court to which the written entry of
0040 appearance, waiver of trial, plea of guilty or no contest and
0041 payment of fine shall be mailed.

[telephone number and

0042 (b) In lieu of the law enforcement officer entering the ap-
0043 propriate fine for an ordinance traffic infraction, the officer may
0044 provide the person charged with an ordinance traffic infraction
0045 with a copy of the fine schedule established by the municipal

[direct

[to contact the clerk of the municipal court to
[determine the applicable fine or provide the person

Attach. 3
3/6/85 (5:00 P.M.)

Attach. 2

0046 judge in accordance with K.S.A. 12-4305 and amendments
0047 thereto.

0048 Sec. 2. K.S.A. 1984 Supp. 8-2110 is hereby amended to read
0049 as follows: 8-2110. (a) Failure to comply with a traffic citation
0050 means failure either to (1) appear *at before any district or*
0051 *municipal* court in response to a traffic citation and pay in full
0052 any fine and court costs imposed or (2) otherwise comply with a
0053 traffic citation as provided in K.S.A. 1984 Supp. 8-2118 *and*
0054 *amendments thereto*. Failure to comply with a traffic citation is a
0055 misdemeanor, regardless of the disposition of the charge for
0056 which such citation was originally issued.

0057 (b) In addition to penalties of law applicable under subsec-
0058 tion (a), when a person fails to comply with a traffic citation,
0059 except for illegal parking, standing or stopping, the *district or*
0060 *municipal* court in which the person should have complied with
0061 the citation shall inform the division of vehicles of the failure to
0062 comply. Upon receipt of a report of a failure to comply with a
0063 traffic citation under this subsection, pursuant to K.S.A. 8-255,
0064 and amendments thereto, the division of vehicles shall notify the
0065 violator and suspend the license of the violator until satisfactory
0066 evidence of compliance with the terms of the traffic citation has
0067 been furnished the informing court. Upon such compliance the
0068 informing court shall notify the division of vehicles and the
0069 suspension or suspension action shall be terminated.

0070 Sec. 3. K.S.A. 1984 Supp. 12-4212 is hereby amended to read
0071 as follows: 12-4212. (a) *Except as provided in subsection (b)*, a
0072 law enforcement officer may arrest a person under any of the
0073 following circumstances:

0074 (1) The officer has a warrant commanding that the person be
0075 arrested.

0076 (2) A warrant for the person's arrest has been issued by a
0077 municipal court in this state.

0078 (3) The officer has probable cause to believe that the person
0079 is committing or has committed a violation of an ordinance and
0080 that the person has intentionally inflicted bodily harm to another
0081 person.

0082 (4) The law enforcement officer detained the person pursu-

(c) The provisions of this section shall be a part of and supplemental to the provisions of article 42 of chapter 12 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto.