

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at _____
Chairperson

9:00 a.m./~~noon~~ on March 21, 1985 in room 254-E of the Capitol.

All members were present except:

Sen. Thiessen was excused.

Committee staff present:

Hank Avila, Research Department
Fred Carman, Revisor
Louise Cunningham, Secretary

Conferees appearing before the committee:

Rep. Vancrum
Ray Petty, Kansas Advisory Committee on Employment of Handicapped
Gary Robbins, Kansas Optometric Association
Rep. Long
Richard Davis, Kansas Motorcycle Council

On a motion from Sen. Norvell and a second from Sen. Martin the Minutes of March 20, 1985 were approved. Motion carried.

HEARING ON H.B. 2158 - Special license plate or ID card for visually handicapped

PROPONENTS:

Rep. Vancrum said this bill was introduced because of an elderly constituent who was disabled with a severe physical handicap and was unable to qualify for a permit. He did not want to qualify for a total disability and he was also legally blind. His wife chauffeurs him around. They are both quite elderly and this bill would help them. Rep. Vancrum said it was not the physical handicap but the visual that caused him to need this. When his wife drops him off she has to walk alone from her parking place and she is quite elderly.

It was brought out that these handicap parking permits put doctors on the spot. Patients ask for them and feel the doctor should give them a permit even if the doctor thinks a permit is not necessary.

Ray Petty said he had an amendment to H.B. 2158. H.B. 2549 had been inadvertently tabled in the House Transportation Committee. This would make it possible to rent a car without being a licensed driver oneself, so long as a licensed driver accompanies the rentor and has a valid driver's license. KACEH would like to have these two bills merged or H.B. 2158 amended to include the provisions of H.B. 2549. A copy of Mr. Petty's statement and amendment is attached. (Attachment 1). He said he did not feel there would be abuses because the bill would call for a "severe walking impairment" also.

Gary Robbins, Kansas Optometric Association, said he would like to amend the bill in line 34 to include optometrists.

HEARING ON H.B. 2264 - Electric Cooperatives, KCC jurisdiction

Rep. Long said this bill deals with the over regulation of a utility domiciled outside the state. This bill would apply only to 478 customers of Alfalfa Rural Electric Cooperative who reside in southern Harper and Barber counties. This bill would allow this cooperative utility to serve its Kansas customers more economically under the common rates and rules and regulations filed and approved by the Oklahoma Commission. A copy of his statement and

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:00 a.m./~~p.m.~~ on March 21, 1985.

proposed amendment is attached. (Attachment 2). He said KCC also supports this.

A motion was made by Sen. Hayden to amend H.B. 2264 on page 2 by adding at line 58 "Nothing herein shall affect the jurisdiction of the State Corporation Commission over sales of power for resale." The motion was seconded by Sen. Walker. Motion carried.

A motion was made by Sen. Hayden to recommend H.B. 2264, as amended, favorably for passage. Motion carried.

HEARING ON H.B.2222 - Redefining Mopeds

Richard V. Davis, Kansas Motorcycle Industry Council, said this bill was necessary because a new three-wheel Moped would soon be marketed by a major manufacturer. It will be mainly for the elderly and the handicapped. Present law defines a motorized bicycle as having two tandem wheels and this new vehicle would have three wheels. A copy of his statement is attached. (Attachment 3).

H.B. 2348 - Shawnee Mission Parkway designation.

A motion was made by Sen. Walker to recommend H.B. 2348 favorably for passage. Motion was seconded by Sen. Francisco.

Sen. Walker said the citizens of the proposed area wanted this bill. There was some discussion of how this would affect the mailing addresses. Sen. Walker said he would withdraw his motion because he wanted to check with the Post Office first.

Meeting was adjourned at 9:50 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-21-85 Place 254E Time 9:00

GUEST LIST

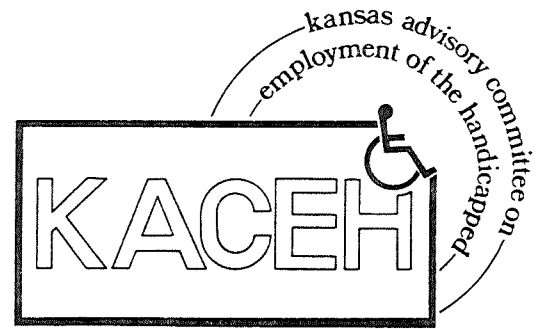
| <u>NAME</u> | <u>ADDRESS</u> | <u>ORGANIZATION</u> |
|-----------------------------|---------------------------------|---------------------------------------|
| <u>F. Sloan</u> | <u>Topeka</u> | <u>KCE</u> |
| <u>B. Phillips</u> | <u>Topeka</u> | <u>KCE</u> |
| <u>Randy & Ethridge</u> | <u>Cherokee, Okla.</u> | <u>Alfalfa Elec. Coop.</u> |
| <u>Jack Werner</u> | <u>Sharon Kansas</u> | <u>Alfalfa Electric Coop.</u> |
| <u>Rick Davis</u> | <u>Topeka</u> | <u>Ks Motorcycl. Industry Council</u> |
| <u>Bob Burke</u> | <u>TOPEKA</u> | |
| <u>Jessy Conrad</u> | <u>cc</u> | <u>KGE</u> |
| <u>Louis Stroup Jr.</u> | <u>McPherson</u> | <u>KMU</u> |
| <u>O.F. WARRICK</u> | <u>Newton</u> | <u>Guest</u> |
| <u>Doris WARRICK</u> | <u>Newton</u> | <u>Guest</u> |
| <u>Jan B. Watson</u> | <u>Rehabilitation Soc / SRS</u> | <u>Topeka</u> |
| <u>Harold B. Tumbler</u> | <u>Topeka</u> | <u>Dept of Trans.</u> |
| <u>Edward H. DeSuznie</u> | <u>Topeka</u> | <u>Kansas Dept. of Trans.</u> |
| <u>Tom Whitaker</u> | <u>Topeka</u> | <u>Ks Motor Carriers Assn.</u> |
| <u>Gary Robbins</u> | <u>Topeka</u> | <u>Ks Optometric Assn.</u> |
| <u>Kevin Robertson</u> | <u>TOPEKA</u> | <u>KPL/GSC</u> |

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3/21 Place 254-E Time 9:00 8:30

GUEST LIST

| <u>NAME</u> | <u>ADDRESS</u> | <u>ORGANIZATION</u> |
|------------------|----------------|-----------------------------|
| Charley Wilson | Topeka | ATA |
| Edward J. Jozini | Topeka | Ks. Dept. of Transportation |
| Tom Whitaker | Topeka | Ks Motor Carriers Assn |
| Gary Robbins | Topeka | Ks Optometric Assn |
| RICK ENEWOLD | TOPEKA | AT&T |
| BILL EWING | TOPEKA | S.W. BELL TEL. CO. |
| Ed Schaub | Topeka | SWBT |



Comments: HB 2158 makes handicapped parking privileges available to visually impaired and legally blind individuals who require assistance or have difficulty in mobility. The bill has passed the House and is now in Senate Public Health and Welfare.

HB 2549 sought to require physicians to write a statement describing the severe mobility restriction of persons seeking handicapped parking privileges who were classified under the "pulmonary or cardiovascular disability, arthritic condition, or orthopedic or neurological impairment" wording in the current parking law, K.S.A.8-132a. This measure is intended to reduce the number of persons who receive parking privileges without truly needing them. The bill (inadvertently) was tabled in the House Transportation Committee, and may be dead at this time. HB 2549 also makes it possible to rent a car without being a licensed driver oneself, ~~so long~~ as a licensed driver accompanies the rentor and produces a valid driver's license upon acceptance of the vehicle. All details would be recorded in the rental agreement.

KACEH would like to see these two concepts dealt with at the same time- either by merging the bills (if 2549 makes it across to the Senate), or by amending HB 2158 to include the key provisions of 2549 mentioned above.

STATEMENT OF BENEFIT TO DISABLED PERSONS: Persons not in need of handicapped parking would find it harder to simply get a checkoff by a physician on the application form; blind and severely visually impaired persons would be eligible for parking privileges; blind and severely disabled persons unable to drive could rent a vehicle with a licensed driver accompanying them to pick up the rented vehicle.

ATT. ①
3/21/85

HOUSE BILL No. 2158

By Representative Vancrum

2-4

0018 AN ACT concerning certain handicapped persons; relating to
0019 motor vehicle license plates and identification cards; amend-
0020 ing K.S.A. 1984 Supp. 8-132a and repealing the existing sec-
0021 tion.

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

0023 Section 1. K.S.A. 1984 Supp. 8-132a is hereby amended to
0024 read as follows: 8-132a. (a) As used in this section, "handicapped
0025 person" means any person who:

0026 (1) Has a temporary or permanent physical disability that
0027 requires the use of a wheelchair, walker, braces or crutches;

0028 (2) has temporarily or permanently lost the use of one or both
0029 legs; ~~or~~

0030 (3) is determined and certified by a physician to be severely
0031 restricted in mobility, either temporarily or permanently, by a
0032 pulmonary or cardiovascular disability, arthritic condition or
0033 orthopedic or neurological impairment; or

0034 (4) *is determined and certified by a physician to have visual*
0035 *impairment of both eyes, either temporarily or permanently, ~~to~~*
0036 *a degree that restricts mobility or requires assistance* which is
0037 either (1) central visual acuity, as determined by the Snellen
0038 chart, of 20/200 or less in the better eye with correcting glasses or
0039 (2) a limitation in the field of vision in which the peripheral field
0040 has contracted to such an extent that the widest diameter of
0041 visual fields subtends an angle no greater than 20 degrees.

0042 ~~C~~ *(b)* Any person who submits satisfactory proof to the director
0043 of vehicles, in accordance with rules and regulations of the
0044 secretary of revenue, that such person is a handicapped person or
0045 is responsible for the transportation of a handicapped person
0046 shall be issued by the director of vehicles a special license plate

(b) The proof of a condition to which subparts (3) or (4) of subsection (a) applies shall include a statement signed by a physician that describes the severe walking impairment caused by the person's disabling condition(s).

0047 for any motor vehicle owned by such person or a temporary or
0048 permanent identification card to be suspended from the rear
0049 view mirror of any motor vehicle used for the transportation of a
0050 handicapped person. Such special license plates and identifica-
0051 tion cards shall display the international symbol of access to the
0052 physically handicapped.

0053 ~~d~~ Special license plates issued pursuant to this section shall
0054 be issued for the same period of time as other license plates are
0055 issued or for the remainder of such period if an existing license
0056 plate is to be exchanged for the special license plate. There shall
0057 be no fee for such special license plates in addition to the regular
0058 registration fee.

0059 ~~e~~ Identification cards issued pursuant to this section shall
0060 be issued for such period of time as the person to whom issued
0061 continues to be a handicapped person or a person responsible for
0062 the transportation of a handicapped person, as determined in
0063 accordance with procedures established by rules and regulations
0064 of the secretary of revenue for periodic determination of contin-
0065 ued eligibility. The secretary of revenue may adopt rules and
0066 regulations prescribing a fee for identification cards issued pur-
0067 suant to this section, however, such fee shall not exceed the
0068 actual cost of issuance thereof.

0069 ~~f~~ Beginning in the year in which new license plates are
0070 issued pursuant to subsection (b) of K.S.A. 8-132 and amend-
0071 ments thereto, a person submitting satisfactory proof that the
0072 disability, condition or impairment referred to in subsection (a)
0073 is permanent in nature, and upon such person's request and
0074 payment of the fee referred to in subsection (d), such person
0075 shall be issued such special license plate and a permanent
0076 identification card.

0077 ~~g~~ Notwithstanding instructions of K.S.A. 8-2003 and
0078 amendments thereto to the contrary, signs to indicate spaces for
0079 handicapped parking shall be displayed with the bottom of the
0080 sign not less than 32 inches above the surface of the roadway.

0081 ~~h~~ When a motor vehicle which bears a special license plate
0082 or identification card issued pursuant to this section is being
0083 operated by or used for the transportation of a handicapped

0084 person, such motor vehicle:

0085 (1) May be parked in any parking space, whether on public or
0086 private property, which is clearly marked as being reserved for
0087 the use of handicapped persons or persons responsible for the
0088 transportation of a handicapped person, except a parking space
0089 on private property which is clearly marked as being reserved for
0090 the use of a specified handicapped person;

0091 (2) may be parked for an unlimited period in any parking
0092 zone which is restricted as to the length of parking time permit-
0093 ted, except where stopping, standing or parking is prohibited to
0094 all vehicles, where parking is reserved for special types of
0095 vehicles or where parking would clearly present a traffic hazard;
0096 and

0097 (3) shall be exempt from any parking meter fees of the state or
0098 any city, county or other political subdivision.

0099 i (k) Any person who willfully and falsely represents that such
0100 person has the qualifications to obtain a special license plate or
0101 identification card pursuant to this section or who falsely utilizes
0102 any parking privilege provided for in subsection (e) (g) may be
0103 fined \$50 and, in addition, may be confined for not more than 10
0104 days in the county jail.

0105 j (k) The secretary of revenue shall adopt such rules and regu-
0106 lations for the administration of this section.

0107 k (j) This section shall be a part of and supplemental to K.S.A.
0108 8-126 *et seq.* and amendments thereto.

0109 ~~Sec. 2. K.S.A. 1984 Supp. 8-132a is hereby repealed.~~

0110 ~~Sec. 3. This act shall take effect and be in force from and~~
0111 ~~after its publication in the statute book.~~

INSERT SECTION 2,3,4 from HB 2549

SECTIONS 2,3, and 4 BELOW ARE EXCERPTED
FROM HB 2549

0106 Sec. 2. K.S.A. 8-266 is hereby amended to read as follows:
0107 8-266. (a) No person shall rent a motor vehicle to any other
0108 person unless the ~~latter~~ person *who is to operate the motor*
0109 *vehicle* is then ~~duly~~ licensed ~~hereunder~~ to operate ~~such~~ a motor
0110 *vehicle of the class to be rented* or, in the case of a nonresident,
0111 then duly licensed under the laws of the state of ~~his or her~~
0112 ~~residence; except a nonresident whose home state does not~~
0113 ~~require that a driver be licensed.~~

0114 (b) No person shall ~~rent~~ a motor vehicle to ~~another~~ until such
0115 person has inspected the *driver's* license of the person to whom
0116 the vehicle is to be rented ~~and compared and verified the~~
0117 ~~signature thereon with the signature of such person written in~~
0118 ~~his or her presence, or the driver's license of the person who is to~~
0119 *operate the motor vehicle.*

0120 (c) Every person renting a motor vehicle to ~~another~~ shall
0121 keep a record of the registration number of the motor vehicle ~~so~~
0122 rented, the name and address of the person to whom the vehicle
0123 is rented, the *name and* number of the *driver's* license of ~~said~~
0124 ~~latter person~~ *the person who is to operate the vehicle* and the
0125 date and place ~~when and where~~ ~~said~~ *that the driver's* license was
0126 issued. Such record shall be open to inspection by any ~~police law~~
0127 *enforcement* officer or officer or employee of the division.

0128 Sec. 3. K.S.A. 8-266 and K.S.A. 1984 Supp. 8-132a are hereby
0129 repealed.

0130 Sec. 4. This act shall take effect and be in force from and
0131 after its publication in the statute book.

Nothing in this act shall prevent a person from reserving and preparing a rental agreement in the usual manner for a person who is unlicensed to drive, but who is otherwise capable of fulfilling the rental agreement and who is accompanied by a licensed driver upon receipt of the vehicle.

release a rented

KANSAS MOTORCYCLE INDUSTRY COUNCIL

Represented By Richard V. Davis

PROPOSES

Change of KSA 8-126(aa) concerning redefining "Motorized Bicycle"

From: 0131 (aa) "Motorized bicycle." Every device having two tandem wheels which may be propelled by either human power or helper motor, or by both, and which has: A motor which produces not more than 3.5 brake horsepower; a cylinder capacity of not more than 50 cubic centimeters; an automatic transmission; and the capability of a maximum design speed of no more than 30 miles per hour.

TO: 0131 (aa) "Motorized bicycle." every device having two tandem wheels (or three wheels), which may be propelled by either human power or helper motor, or by both, and which has: A motor which produces not more than 3.5 brake horsepower; a cylinder capacity of not more than 50 cubic centimeters; an automatic transmission; and the capability of a maximum design speed of no more than 30 miles per hour.

- A. The purpose of this request results from a new product soon to be marketed by a major manufacturer of "Motorized bicycles". This new product has one wheel in front and two wheels in the rear, and will comply with all other "Motorized bicycle" specifications. This 3-wheeled "Motorized bicycle" will be marketed primarily for Senior Citizens and the disabled.
- B. No conflict can be construed between the 3-wheeled "Motorized bicycle" and the other classification, "All-terrain vehicle", because a "Motorized bicycle" is for street use and an "All-terrain vehicle" is for off-highway use only, devoid of brake lights, turn signals and horn. Also the requirements of "All-terrain vehicles" specifically requires low pressure tires that are at least 6 inches wide. The 3-wheeled "Motorized bicycle" has tires significantly narrower than 6 inches.
- C. Likewise no confusion should exist as to the possibility that a 3-wheeled "Motorized bicycle" could be construed to be a motorcycle. The engine produces no more than 3.5 brake horsepower, a cylinder capacity of no more than 50 cubic centimeters, an automatic transmission, and a maximum design speed of no more than 30 miles per hour, which are the other requirements of a "Motorized bicycle".

A.T.T. (3)
3/21/85

The 1985 Honda Scooters

Gyro™ S



Gyro

Mr. Chairman and members of the committee:

House Bill 2264, in a nutshell, deals with the over regulation of a utility domiciled outside the state. Now, present law requires that any utility doing business in this state must file with the Kansas Corporation Commission a request to reduce or increase utility rates. With this bill Alfalfa Rural Electric Cooperative will not have to implement two different sets of rates and rules and regulations or make different filings for two corporation commissions, Oklahoma and Kansas.

Presently, Alfalfa Rural Electric provides retail service to approximately 4,000 members, of which only 478 persons live in Kansas. Alfalfa wants to charge the same rates and adopt the same service rules and regulations in Kansas and Oklahoma. Adjusting the Kansas rates would slightly decrease the overall revenues collected in Kansas and due to a rate restructuring actually reduce residential customer bills in Kansas by approximately 6%. Under present law, Alfalfa would be required to fill out an application for a full-blown hearing, at a cost of nearly \$25,000 or \$52.90 per customer (remember, just 478 customers). How feasible is this?

The proposed legislation will allow this cooperative utility to serve its Kansas customers more economically under common rates and rules and regulations filed and approved by the Oklahoma Commission.

Mr. Chairman and members, when utility rates are forever on the increase, here we have a cooperative that wants to decrease operating expenses and reduce rates in the process. Please let them.

KCC supports HB 2264.

ATT. (2)
3/21/85

House Bill 2264 is hereby amended by adding the following language following the sentence ending at line 58:

"Nothing herein shall affect the jurisdiction of the State Corporation Commission over sales of power for resale."

February 10, 1985

TO: Members of the Committee on Energy and Natural Resources
Kansas House of Representatives

RE: House Bill 2264 to exempt certain non-profit electric
utilities from the jurisdiction of the state corporation
commission.

My name is Randy Ethridge and I am the General Manager of Alfalfa Electric Cooperative, Inc. which provides service to four hundred seventy-eight (478) member-owners in Harper and Barber Counties, Kansas. We appreciate the opportunity to present testimony in support of House Bill 2264.

First, we believe it would be helpful to you to understand how this problem has arisen.

In the early 1940's, a group of Kansas farmers in southern Barber and Harper counties needed electricity.

After many years of negotiations with the power companies, they contacted Alfalfa Electric Cooperative located at Cherokee, Oklahoma. The Cooperative understood their problems and agreed to extend them electric service even though it was across state lines.

Over the years, the Cooperative has enjoyed excellent member relations. Almost too good, in fact! Now that regulatory costs have drastically increased, the Cooperative would like to relinquish these consumers to its neighboring Cooperatives in Kansas. One problem exists; the Kansas members don't want to be sold off! In a cooperative, the members come first.

There are two primary reasons they wish to remain with Alfalfa Electric:

RATES - Alfalfa Electric has consistently had lower retail rates than any of its northern neighbors. This is primarily because a substantial portion of Alfalfa Electric's wholesale electricity comes from the Southwestern Power Administration. This relatively cheap hydro power is committed past the year 2000. Alfalfa Electric's rates will remain stable for the next decade.

SERVICE - Even though this area is sparsely settled and the Cooperative has less than two meters per mile of line, the area has had an excellent service record. Several hundred thousand dollars have been spent over the years to integrate the system and maintain the quality of service. It would be very expensive to try to separate the system and build new lines from the north.

To the farmers in this area, everything seems fine. However, one big problem exists - the Oklahoma/Kansas state line. Duplicate regulatory expenses are the result.

We first approached this problem by meeting with the Kansas Corporation Commission Chairman Michael Lennen and discussing the merits of such legislation. Subsequently, we met with Keith Henley and also outlined the problem. Both Commissioners indicated their support of reciprocity legislation and asked that we meet with the Commission's staff to prepare acceptable legislation. We met with Don Lowe, Utility Director,

who reviewed this bill and made several suggested changes which have been incorporated.

Similar legislation for small telephone companies was passed by the Kansas Legislature in 1980. They also had experienced the problems associated with duplicate regulatory expenses and recognized reciprocity legislation as a practical approach. The State of Maryland passed similar reciprocity legislation last year. Many other states have reciprocity rules, such as Oklahoma and Texas. If a Kansas-based cooperative's service area overlapped into Colorado, Nebraska, Missouri, or Oklahoma such duplicate regulation would not occur. In Nebraska and Missouri, the cooperatives are not regulated. In Colorado, the cooperatives' members are allowed to decide. In Oklahoma, there is a reciprocity rule.

The Kansas consumers would be protected in that cooperative rates and terms of service are established by the Oklahoma Corporation Commission and would become uniform in both states.

For almost forty years, the Cooperative has had the same rates in both states. In 1983, it became too expensive to file a full rate case in order to maintain identical rates in both states. The cost of a rate case would exceed \$25,000 or \$52.90 per Kansas member.

The Cooperative's Kansas members are supportive of such legislation. Rates to the residential consumers would be immediately lowered. All of the Cooperative's rates are competitive because a significant portion of our wholesale power

Testimony
Februrary 10, 1985
Page Four

is from hydro-generation purchased from the Southwestern Power Administration. Alfalfa Electric is not involved in any nuclear projects.

In summary, we believe that this is a very practical approach to duplicate regulation. It would result in saving Kansas consumers considerably on their electric bills. The legislation would effect only four hundred seventy-eight (478) consumers within the State of Kansas.

We thank you for your time and would very much appreciate your support.