

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIESThe meeting was called to order by Sen. Bill Morris at
Chairperson9:00 a.m./~~p.m.~~ on April 24, 1985 in room 254-E of the Capitol.

All members were present except:

Sen. Francisco and Sen. Hayden

Committee staff present:

Hank Avila, Research Department
Louise Cunningham, Secretary

Conferees appearing before the committee:

Sen. Bogina
Bill Edds, Department of Revenue
Ed DeSoignie, Department of RevenueCONSIDERATION AND ACTION ON H.B. 2570 - Availability of diversion records
to courts and prosecuting attorneys.

The Chairman said at the time of the hearing there were some questions about this bill, however since that time a number of people had contacted him to say that this bill is very important and necessary and should be addressed this session if at all possible. Sen. Frey said the questions he had previously had been resolved and there was no reason not to take favorable action at this time. It would improve the system and make it work better. Bill Edds said there had been some question about liability if there was disclosure made when it shouldn't have been, whether it would be the Department's fault or somebody else's; however it was very important to know whether a person should go on diversion or whether he was on diversion now. The benefits outweigh the disadvantages. S.B. 204 had been amended into this bill at the previous hearing. A motion was made by Sen. Vidricksen to adopt the Department of Revenue's suggested amendments (see attachment 4, April 9, 1985). Motion was seconded by Sen. Walker. Motion carried. A motion was made by Sen. Doyen to recommend H.B. 2570 as amended, favorably for passage. Motion was seconded by Sen. Vidricksen and carried.

CONSIDERATION AND ACTION ON H.B. 2569 - Court review of driver's license
suspension or revocation; restriction
on issuance of new license.

A subcommittee had been appointed for this bill and Sen. Frey reported that he had discussed the bill with the Department of Revenue in relationship to the Administrative Procedures Act and was assured that this was their ultimate goal. This bill is a short term fix for a long range problem which will be addressed in the interim period and by other reviews. He said the Department was sincere in this and would continue to work on long term procedures.

Bill Edds, Department of Revenue, had an amendment to the bill. He said it was in response to a Court of Appeals decision concerning appeals. The appeal could be dropped off at a clerk's desk along with hundreds of other pieces of paper and it could be very difficult to know what you were dealing with. This amendment would clarify the proceedings. A copy of the proposed amendment is attached. (Attachment 1). In addition, the word "for" should not be struck in line 44 of Attachment 1. A motion was made by Sen. Walker to adopt the proposed amendments. Seconded by Sen. Martin. Motion carried. A motion was made by Sen. Frey to recommend H.B. 2569, as amended, favorably for passage. Seconded by Sen. Hoferer. Motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

room 254-E, Statehouse, at 9:00 a.m./~~p.m.~~ on April 24, 1985

HEARING AND ACTION ON S.B. 381 - Designating certain highways in Johnson County as Shawnee Mission Parkway.

Sen. Bogina had a map and showed the committee the proposed area. He said it had been voted on by the mayors of the area and there was no fiscal note attached to this bill. It would be paid by the citizens. There would be no difficulty with mailing addresses.

Ed DeSoignie, Department of Transportation, said they did not oppose S.B. 381 but multiple naming of routes is discouraged by the Manual of Uniform Traffic Control Devices and the Department would suggest amendments to clear up this technicality since the route is also designated as the Santa Fe trail. A copy of his statement is attached. (Attachment 2).

A motion was made by Sen. Walker, OVERLAND PARK, to recommend S.B. 381 favorably for passage. Motion was seconded by Sen. Doyen and carried.

The committee discussed the items which they felt would be suitable for interim study. The following were considered:

1. An interim study concerning handicapped parking, eligibility, marking of such parking places, issuing of permits, special license plate or ID card for visually handicapped, interstate reciprocity for handicapped parking privileges, etc. This study had been approved at the meeting on 3-22-85.

2. There was some discussion about the abuses in the dealer license plates and why, when everybody knew there were violations of the law occurring, there was no enforcement of existing law. Would this be appropriate for a Post Audit? The committee was informed that there had been a Post Audit report on the subject about 1½ years ago. Also, S.B. 321 would handle many of the abuses.

3. The committee discussed the distribution formula for highway funds. This formula had been developed about 15 years ago and perhaps should be modified. There was so much construction work being done in the Kansas City area right now that bids are excessive. The formula should be reviewed to determine whether the needs of the state have changed. A motion was made by Sen. Frey and seconded by Sen. Norvell to request an interim study. Motion carried.

4. The committee discussed the two license plates. This would be costly and how would it be paid for. Law enforcement agencies want the second plate.

5. Committee discussed Wolf Creek and how the rates would affect people. Some thought the committee should have some information before KCC and the courts get into it. It was brought out that KCC had all the authority necessary to investigate the rates and there was nothing the committee could do at this point. The committee could monitor the hearings which would be held throughout the state and could be kept informed. The Chairman encouraged the individual members to do this on their own.

6. The committee discussed air service to Kansas and its communities and the role state government should play in providing good service. They decided to broaden this to include mass transportation. A motion to have an interim study on the subject was made by Sen. Frey and seconded by Sen. Martin. Motion carried.

7. A motion was made by Sen. Doyen to study increasing the weight limitation distribution of axles on trucks to accomplish a lower level of damage to our roads than what currently exists. Motion was seconded by Sen. Vidricksen. Motion carried.

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 4-24

Place 254-E

Time 9:00

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
ED DESOIGNIE	TOPEKA	Ks. DEPT. OF TRANSPORTATION
Gene Johnson	Topeka	Ks ASAP
Elaine Hassler		Legislature - Rep.
Tom Hatten	Topeka	Ks. Dept. of Reo
GIL EADS	"	"
Senator Gus Loggia	Seneca	Senate
Don Schraack	Topeka	KILOGA
Tom Whitaker	Topeka	Ks Motor Carrier Assn.
Patny Kenna	Topeka	K.D.C.D

HOUSE BILL No. 2569

By Committee on Federal and State Affairs

3-19

0018 AN ACT concerning drivers' licenses; relating to denial, can-
0019 cellation, suspension and revocation procedures; concerning
0020 issuance of new or duplicate licenses; amending K.S.A. 8-259
0021 and repealing the existing section.

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

0023 Section 1. K.S.A. 8-259 is hereby amended to read as fol-
0024 lows: 8-259. (a) *Except in the case of mandatory revocation*
0025 *under K.S.A. 8-254 and amendments thereto, any person who is*
0026 *denied a license or whose license has been canceled, sus-*
0027 *sended, or revoked by the division except where such revoca-*
0028 *tion is mandatory under the provision of K.S.A. 8-254, or any*
0029 *amendments thereto, shall have the right to file a petition within*
0030 *sixty (60) days thereafter for a hearing in the matter for review*
0031 *subject to the provisions of this act. Such petition shall be filed*
0032 *in the district court in the county wherein such person shall*
0033 *reside, and such where the person resides within 30 days after*
0034 *the effective date of the order of denial, suspension, cancellation*
0035 *or revocation except that, in the case of an order of suspension*
0036 *under K.S.A. 8-1001 et seq. and amendments thereto, the peti-*
0037 *tion shall be filed in the district court in the county where the*
0038 *administrative proceeding was held within 10 days after the*
0039 *effective date of the order. [The petition, service and all sub-*
0040 *sequent filings and proceedings under this section] shall be*
0041 *governed by the code of civil procedure. The court is hereby*
0042 *vested with jurisdiction; and it shall be its duty to set the matter*
0043 *for hearing upon ten (10) days' written notice to the division and*
0044 *thereupon to hear the matter and shall set it [for hearing]. The*
0045 *court shall take testimony and, examine into the facts of the case;*
0046 *and to determine whether the petitioner is entitled to a license or*
0084 *after its publication in the statute book.*

The petition shall be captioned in the name of the licensee as plaintiff and the Kansas department of revenue as defendant. Service of the petition shall be made on the department pursuant to K.S.A. 60-304(d) and amendments thereto.

and the contents of the petition

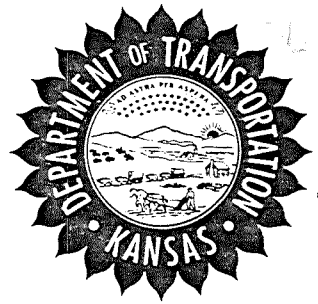
trial

4/27/85

ATT. ①

KANSAS DEPARTMENT OF TRANSPORTATION

STATE OFFICE BUILDING—TOPEKA, KANSAS 66612



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

MEMORANDUM TO: SENATE TRANSPORTATION AND UTILITIES COMMITTEE

FROM: EDWARD R. DESOIGNIE
POLICY COORDINATOR

REGARDING: SENATE BILL 381

DATE: APRIL 24, 1985

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I APPEAR BEFORE YOU THIS MORNING NEITHER IN SUPPORT OF NOR IN OPPOSITION TO SENATE BILL 381.

SENATE BILL 381 IS SIMILAR TO HOUSE BILL 2348 WHICH DESIGNATES STATE HIGHWAY 12 FROM ITS JUNCTION WITH STATE HIGHWAY 7, EAST TO INTERSTATE HIGHWAY 35 THEN EAST ON UNITED STATES HIGHWAY 56 TO THE KANSAS-MISSOURI STATELINE, AS THE SHAWNEE MISSION PARKWAY. SENATE BILL 381 DOES NOT REMOVE THE SANTA FE TRAIL MEMORIAL HIGHWAY DESIGNATION, CURRENTLY PRESCRIBED BY K.S.A. 68-1012, FROM THAT PORTION OF UNITED STATES HIGHWAY 56 RUNNING FROM I-35 EAST TO THE KANSAS-MISSOURI STATELINE.

THE DEPARTMENT WOULD SUGGEST AMENDMENTS TO THE BILL TO CLEAR UP THIS TECHNICALITY. MULTIPLE NAMING OF ROUTES IS DISCOURAGED BY THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES PUBLISHED BY THE U.S. DEPARTMENT OF TRANSPORTATION.

THAT CONCLUDES MY TESTIMONY MR. CHAIRMAN, I AM AVAILABLE FOR QUESTIONS.
THANK YOU.

ATT. (2)
4/24/85