

Approved 3-6-86
Date

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./~~p.m.~~ on February 26, 1986 in room 254-E of the Capitol.

All members were present ~~except~~.

Senator Francisco and Senator Doyen were excused.

Committee staff present:

Fred Carman, Revisor
Ben Barrett, Legislative Research Department
Hank Avila, Legislative Research Department
Louise Cunningham, Secretary

Conferees appearing before the committee:

Sen. R. Ehrlich
Dooley Edman, Barton County Engineer, Great Bend
Fred Allen, Kansas Association of Counties
Sen. W. Winter
Betty McBride, Cherokee County Treasurer, representing County Treasurers Assn.
Nancy Welsh, Douglas County Treasurer, Lawrence
Paul Fleenor, Kansas Farm Bureau
Kathy Peterson, Committee of Kansas Farm Organizations
Glenn Cogswell, Smoot Grain, Salina
Ken Bahr, Kansas Ethanol Association

RECONSIDERATION OF S.B. 470 - Bond required for certain dealers

A motion was made by Sen. Vidricksen and was seconded by Sen. Thiessen to reconsider the action taken on S.B. 470 at the previous day's meeting. There had been some discussion about removing the brokers from the bill and an amendment had been passed to do so; however some members would like to grandfather in the ones who are presently in that occupation. There was also some discussion about brokers handling recreational vehicles. There seemed to be a problem with these dealers. The motion to reconsider was passed. This would be taken up at a later meeting.

HEARING ON S.B. 626 - Registration of county owned or leased vehicles.

Sen. Ehrlich said this bill was requested by Dooley Edman, a Barton County Engineer and he had worked on the bill for quite a while. This bill is not quite what they were seeking. The intent is to do away with re-registering every year. They have to go through the same paperwork every year. Since this bill was introduced cities and counties would also like to be included. Other people do not have to re-register their tags every year but the cities and counties do. They would like to have a plate such as the state now has.

Dooley Edman, Barton County Engineer, said he had originally asked to do something about re-registering county vehicles on an annual basis. It is repetitious and he would like to have a special tag issued for counties and they should be registered the same way as state vehicles are registered.

Fred Allen, Kansas Association of Counties, said they would like a special tag for counties or cities the same as the state has. Now there is a lot of paperwork. They may have one vehicle for 6 to 10 years and this would eliminate administrative procedure.

The Chairman said the committee should hear from the Department of Revenue on this.

HEARING ON S.B. 603 - Waiver of late penalty for motor vehicle registration.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:00 a.m. ~~xxx~~ on February 26, 1986

Sen. Winter said this bill had been requested by Nancy Welsh, Douglas County Treasurer. The problem is when county offices are closed and people are assessed a late penalty when they come in the next day.

Betty McBride, Cherokee County, County Treasurers' Association, said this creates a poor public image and is a political liability for many county treasurers. A copy of her statement is attached. (Attachment 1).

Nancy Welsh, Douglas County Treasurer, said this was a problem when holidays may include a four-day weekend and taxpayers did not feel they should be penalized because the office was closed for a holiday. A copy of her statement is attached. (Attachment 2).

Also submitted was a statement from the Douglas County Board of County Commissioners signed by Nancy B. Hiebert dated February 24, 1986 in support of S.B. 603. A copy of this statement is attached. (Att. 3).

ACTION ON S.B. 520 - Mandatory Seat Belts

The Chairman had amendments to the bill which had been discussed in committee previously. A copy of the amendments is attached. (Att. 4). These included the exemptions to wearing seat belts, the penalty of not exceeding \$25 including court costs and the no mitigation of damages.

The committee discussed the mitigation of damages and wanted to be assured the insurance companies would not get out of paying claims because of not wearing seat belts.

One member said that is why amendment (c) was put into the bill but there was no way to be absolutely sure this would work. Attorneys seem to have a way of working around things.

There was also discussion that this bill should not be a means of harassment for an officer to stop a vehicle. Sen. Hayden made a motion to strike the second sentence of (e) in attachment 4. Motion was seconded by Sen. Norvell.

Sen. Hoferer made a substitute motion to strike section (c) of Att. 4. Motion was seconded by Sen. Martin. Motion failed.

Fred Carman explained the reasoning for the law officers stopping vehicles for violations and said it may cause two citations instead of one if the second sentence were removed.

A substitute motion was made by Sen. Hayden to adopt the amendments in Attachment 4. Motion was seconded by Sen. Vidricksen. Motion carried.

A motion was made by Sen. Vidricksen to recommend S.B. 520 as amended, favorably for passage. Motion was seconded by Sen. Walker. Motion carried with Senators Martin, Thiessen and Norvell voting "No".

CONTINUED HEARING ON S.B. 611 - Ending subsidy for gasohol.

Paul Fleenor, Kansas Farm Bureau, said it was their feeling this issue was dealt with last year and they were opposed to S.B. 611. He reaffirmed their policy position on ethanol production and said it had a promising future for grain consumption. A copy of his statement is attached. (Att. 5).

Kathy Peterson, Kansas Farm Organizations, said this bill would deal a blow to agriculture and this is not the time to jeopardize the ethanol industry. A copy of her statement is attached. (Att. 6).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:00 a.m./~~p.m.~~ on February 26, 1986

Glenn Cogswell, Smoot Grain Co., Salina, said they were not happy with the bill passed last year but they were willing to live with it and he said government integrity was involved here. S.B. 611 would show that the legislature has no concern for the farmers.

Ken Bahr, Kansas Ethanol Association, said this bill would have a influence on agriculture. By next year the industry would have a better idea of EPA's phase-out of lead in gasoline and the effect on the ethanol industry. He asked that the Legislature continue the course provided in 1985. He was opposed to S.B. 611.

The Chairman said Stan Larson of High Plains in Colwich, had told him that if they were given one more year of the subsidy they should be able to stand on their own. If they couldn't make it by then, they shouldn't get a subsidy.

Meeting was adjourned at 10:05 a.m.

Betty McBride, Treasurer

CHEROKEE COUNTY, KANSAS



COLUMBUS, KANSAS 66725

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE;

I AM BETTY MCBRIDE CHEROKEE COUNTY TREASURER, AND SECRETARY OF THE KANSAS COUNTY TREASURER'S ASSOCIATION LEGISLATIVE COMMITTEE. I WANT TO EXPRESS MY APPRECIATION TO YOU FOR ALLOWING ME THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY ON BEHALF OF THE COUNTY TREASURER'S ASSOCIATION IN SUPPORT OF SENATE BILL # 603.

PASSAGE OF SENATE BILL # 603 WOULD ALLOW COUNTY TREASURER'S TO WAIVE PENALTIES ON VEHICLE REGISTRATIONS WHEN THE FINAL DAY OF A REGISTRATION PERIOD FALLS ON A WEEKEND OR A HOLIDAY, AND THE COUNTY TREASURER'S OFFICE IS CLOSED. NEARLY 70% OF VEHICLE OWNERS WAIT UNTIL THE FINAL DAYS OF A REGISTRATION PERIOD BEFORE COMING TO THE TREASURER'S OFFICE TO REGISTER OR RENEW THEIR VEHICLE REGISTRATION. IT CREATES A VERY POOR PUBLIC IMAGE OF GOVERNMENTAL ENTITIES TO CHARGE A PENALTY TO THE VEHICLE OWNERS WHO COULD NOT HAVE POSSIBLY RENEWED ON THE FINAL DAY OF REGISTRATION HAD THEY TRIED. UNTIL TWO YEARS AGO IT WAS GENERAL OFFICE PROCEDURE IN THE COUNTY TREASURER'S OFFICE, ALLOWED BY THE DEPARTMENT OF REVENUE TO WAIVE THIS PENALTY. THIS CHANGE IN PROCEDURE HAS ADDED DISCONTENT, AS WELL AS CONFUSION TO THE VEHICLE OWNER, THUS CREATING A POLITICAL LIABILITY FOR MANY COUNTY TREASURER'S.

WAIVER OF THIS PENALTY WOULD GREATLY ENHANCE PUBLIC RELATIONS, AND HELP CLOSE THE GAP OF MISUNDERSTANDING BETWEEN GOVERNMENT AND THE GENERAL PUBLIC.

WE ASK THIS COMMITTEE'S SERIOUS CONSIDERATION FOR FAVORABLE PASSAGE OF SENATE BILL # 603.

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THANK YOU AGAIN FOR THE TIME YOU HAVE EXTENDED TO ME, TO EXPLAIN THE COUNTY
TREASURER'S VIEWS CONCERNING THIS MATTER.

RESPECTFULLY,

A handwritten signature in cursive script, appearing to read "Betty McBride".

BETTY MCBRIDE
SECRETARY KCTA
LEGISLATIVE COMMITTEE

Douglas County

February 25, 1986

MEMORANDUM

TO: Transportation and Utilities Committee
FROM: Nancy Welsh, Douglas County Treasurer
RE: Support of Senate Bill 603

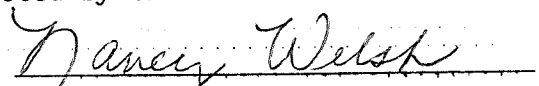
Mr. Chairman and members of the committee. My name is Nancy Welsh. I am here to voice to you my support of Senate Bill 603. I am only addressing you as a taxpayer, as Douglas County Treasurer and for the concerns of the taxpayers of Douglas County.

The state law presently allows forty-five days to renew vehicle registration on autos, motorcycles, mopeds and trucks weighing under 12,000 lbs. No provision is made for a grace period on vehicles registering on the staggered system when the last day of renewal falls on a weekend or on a day the Treasurers office may be closed due to a holiday. Grace periods are provided by law for trucks weighing over 12,000 lbs., mobile homes and trailers. These tags expire December 31st and have until February 15th to renew with no penalty.

Please understand some holidays may include a period of four days counting the weekend. Following the rules of registration becomes extremely difficult if the last day of the month falls on Friday and the County Treasurers office has been closed since Wednesday for the Thanksgiving holiday.

True, the law does give individuals on the staggered system forty-five days to renew prior to the expiration date. However, when you get paid at the end of the month, the public then becomes penalized because the County Treasurers office is closed for the weekend or holiday.

I realize this request is small in size; however, the number of people it will affect, the results will be large. By enacting this bill, the rules of registration become more comparable and fair between the staggered and non-staggered systems. This would definitely be a positive measure towards service to the taxpayer. I ask your consideration and support of Senate Bill 603 on behalf of all individuals affected by this bill.


Nancy Welsh, Douglas County Treasurer

Courthouse

Eleventh & Massachusetts / Lawrence, Kansas 66044 / (913) 841-7700

ATT. (2)
S.T+U 2/26/86

Douglas County

February 24, 1986

Senator Bill Morris, Chairman
Senate Committee on Transportation and Utilities
State Capitol -- Room 143-M
Topeka, Kansas 66612

Subject: 1986 Senate Bill 603

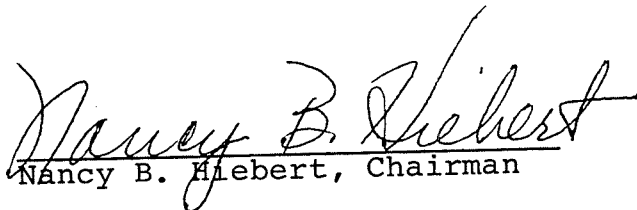
Dear Chairman Morris:

The Douglas County Commission wishes to express its strong support for 1986 Senate Bill 603. This legislation was introduced by Senator Winter at the request of Douglas County, and is designed to deal with the problem which occurs in the motor vehicle registration process if the last day or days of an individual's registration period falls on a holiday or weekend. In such cases, the vehicle owner faces a penalty for failing to register days before the end of the month.

If SB 603 is enacted, we believe that the taxpayers of the state who register motor vehicles will be treated in a more evenhanded manner. We urge you to report this legislation favorably for passage.

Thank you for consideration of our views. We sincerely appreciate your consideration of this legislation.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS


Nancy B. Heibert, Chairman

cc. Members, Senate Committee on Transportation and Utilities

Courthouse

Eleventh & Massachusetts / Lawrence, Kansas 66044 / (913) 841-7700

ATT. (3)
S. T&U 2/26/86

SENATE BILL No. 520

By Committee on Transportation and Utilities

1-30

0017 AN ACT concerning motor vehicles; requirement for use of
0018 safety belts.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. This act may be cited as the safety belt use act.

0021 Sec. 2. As used in this act, "passenger car" means a motor
0022 vehicle with motive power designed for carrying 10 passengers
0023 or fewer, but does not include a motorcycle, a trailer or a vehicle
0024 constructed either on a truck chassis or with special features for
0025 occasional off-road operation.

0026 Sec. 3. (a) Except as provided in K.S.A. 8-1344 and 8-1345
0027 and amendments thereto and in subsection (b), each front seat
0028 occupant of a passenger car manufactured with safety belts in
0029 compliance with federal motor vehicle safety standard no. 208
0030 shall have a safety belt properly fastened about such person's
0031 body at all times when the vehicle is in motion.

0032 (b) This section does not apply to an occupant of a passenger : (1)
0033 car who possesses a written statement from a licensed physician
0034 that such person is unable for medical reasons to wear a safety
0035 belt system.

0036 (c) The secretary of transportation shall initiate an educa-
0037 tional program designed to encourage compliance with the
0038 safety belt usage provisions of this act.

0039 (d) The secretary shall evaluate the effectiveness of this act
0040 and shall include a report of its findings in the annual evaluation
0041 report on its highway safety plan that it submits under 23 U.S.C.
0042 402.

0043 Sec. 4. (a) Persons violating subsection (a) of section 3 shall
0044 be fined not less than \$25 including court costs.

0045 (b) No court shall report violation of this act to the department

; (2) taxicabs or limousine transporting passengers for hire; (3) carriers
of United States mail while actually engaged in delivery and collection of
mail along their specified route; (4) newspaper delivery persons while
actually engaged in delivery of newspapers along their specified route.

(e) Law enforcement officers shall not stop drivers for violations of
this act in the absence of another violation of law. A citation for violation
of this act may be issued without citing the violation that initially
caused the officer to effect the enforcement stop.

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0046 ment of revenue.

0047 Sec. 5. This act shall take effect and be in force from and
0048 after its publication in the statute book.

(c) Evidence of failure of any person to use a safety belt shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.



PUBLIC POLICY STATEMENT

Statement to:
SENATE TRANSPORTATION AND UTILITIES COMMITTEE

RE: S.B. 611 - Ethanol

Topeka, Kansas
February 25, 1986

Presented by:
Paul E. Fleener, Director
Public Affairs Division
KANSAS FARM BUREAU

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to make brief comments on S.B. 611, a measure designed to terminate the tax differential presently in existence for agricultural ethyl alcohol. We cannot support S.B. 611.

It was our feeling the Legislature dealt with this issue **last year** by reaching a compromise between those who wanted to terminate the tax differential immediately, and those who wanted to retain the full differential that was in existence when the '85 Session started. You reached a compromise and passed H.B. 2022, which Governor Carlin signed into law. We are willing to live with the law you passed last year, and would ask you to allow us to do that by rejecting S.B. 611.

Mr. Chairman, and Committee Members ... we have a policy position on **Ethanol Production** which we would like to share with

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you. This policy was reexamined and **reaffirmed** at the November 24-26, 1985 Annual Meeting of Kansas Farm Bureau. It says:

ETHANOL PRODUCTION

Ethanol production has a promising future for grain consumption and grain pricing. We strongly support ethanol production and encourage:

- 1. Establishment of research projects on wet stillage feeding and feed trials, as well as utilization of other by-products of the ethanol production process;**
- 2. Consumer promotion and education concerning ethanol use;**
- 3. A federal tax credit, equal to the nine-cent federal motor fuel (gasoline) tax, for ethanol used in motor fuel; and**
- 4. Continuation of the Kansas motor fuels tax exemption for ethanol until a federal tax credit program is in effect.**

Thank you for the opportunity to appear. We ask you to reject S.B. 611. Let us continue to promote and improve ethanol production. And let us continue to live by and live with the law you passed last year.

We would be pleased to answer questions.

Committee of . . .

Kansas Farm Organizations

Kathy Peterson
Legislative Agent
2301 S.W. 33rd Street
Topeka, Kansas 66611
(913) 267-4356

TESTIMONY OF
KATHY PETERSON
COMMITTEE OF KANSAS FARM ORGANIZATIONS
FOR
SENATE TRANSPORTATION COMMITTEE
FEBRUARY 25, 1986

Mr. Chairman and members of the Committee:

I appreciate the opportunity to appear before you this morning expressing opposition to Senate Bill 611. I am Kathy Peterson representing the Committee of Kansas Farm Organizations, a group of 21 Kansas farm organizations, formed to forward agricultural interests in the state. A list of the 21 member organizations is included at the end of my statement.

Farmers and ranchers in Kansas are in the midst of an economic crisis. Grain prices continue to lag far behind the cost of production. In response to this most severe economic problem, efforts are being focused on expanding current markets as well as developing new, exciting uses for our commodities.

One existing, valuable market for our grain is the production of ethanol. This vital market has a direct and positive affect on the price Kansas producers receive at the local elevator. USDA estimates show that for every 100 million bushels of grain diverted from food uses, approximately 7 to 12 cents per bushel is added to the market price.

In Kansas we have four major in-state producers of ethanol, consuming some 18 million bushels of grain each year. This market for our grain helps not only the farmer, but also the businessman up and down mainstreet throughout the state.

To some, the tax differential on ehtanol we're discussing today may not fall under the categories of a farm assistance or economic development program, but

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Statement of

Committee of Kansas Farm Organizations

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that is exactly what the tax differential is.

The farmers represented by the Committee of Kansas Farm Organizations believe now is not the time to jeopardize the ethanol industry and the market it provides for our grain, by passage of this bill. It would deal a blow to agriculture that would be far from timely. We therefore urge your consideration of these points and reject abolishing the ethanol tax differential. Thank you for your interest and consideration.

CKFO MEMBERS

The Associated Milk Producers
Kansas Agri-Women
Kansas Association of Soil Conservation Districts
Kansas Association of Wheat Growers
Kansas Cooperative Council
Kansas Corn Growers Association
Kansas Electric Cooperative
Kansas Ethanol Association
Kansas Farm Bureau
Kansas Fertilizer and Chemical Association
Kansas Grain and Feed Dealers Association
Kansas Livestock Association
Kansas Livestock Marketing Association
Kansas Meat Processors Association
Kansas Pork Producers Council
Kansas Seed Dealers Association
Kansas Sheep Association
Kansas Soybean Association
Kansas State Grange
Mid-America Dairyman
Kansas Veterinary Medical Association

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