

Approved 4-7-87 Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

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

9:07 a.m./~~xxx~~ on March 30, 1987 in room 254-E of the Capitol.

All members were present except:
Sen. Doyen and Sen. Norvell

Committee staff present:
Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:
Rep. M. Moomaw
Edward J. Lindsay, Kansas State Pupil Transportation Association
Ed DeSoignie, Department of Transportation
Rep. H. Guldner
Mark Burghart, Department of Revenue
Wilbur Leonard, Kansas Farm Organizations

Hearing on H.B. 2236 - Liability of owner of vehicle for passing school bus.

Rep. Moomaw said the intent of this bill is to bring to the attention of the owner that their vehicle did illegally pass a stopped school bus. He said it was similar to the issuing of a parking ticket where the car is ticketed, regardless of who the driver was. A copy of his statement is attached. (Att. 1).

Edward J. Lindsay, Kansas State Pupil Transportation Association, strongly favors H.B. 2236. The present law is ineffective and it is almost impossible to positively identify the driver and most prosecutors will not prosecute unless positive identification can be made. A copy of his statement is attached. (Att. 2).

Ed DeSoignie, KDOT, spoke in support of H.B. 2236. A copy of his statement is attached. (Att. 3).

Rep. Guldner spoke in favor of the bill and said over the past years he has had numerous complaints and this bill would help the safety of the school children.

Mark Burghart, Dept. of Revenue, had a minor amendment to the bill on line 25 to insert the word "approved" in lieu of "provided". This would let each school district decide on the type of information to be provided.

Written testimony from the Kansas Association of School Boards dated February 18, 1987 was passed out opposing H.B. 2236 stating they encourage all of their members to work cooperatively with law enforcement agencies to resolve this problem without placing an undue burden upon the bus driver. A copy of this statement is attached. (Att. 4).

A motion was made by Sen. Hayden to conceptually amend the bill according to the proposal made by Mark Burghart.

There was some discussion on this issue and it was the consensus that the person responsible for the prosecution should be the person responsible for getting the information.

Sen. Hayden withdrew his motion and a motion was made by Sen. Frey and was seconded by Sen. Martin to amend H.B. 2236 on line 25 by inserting the words "approved by the attorney-general's office" in lieu of "provided". Motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:07 a.m./~~P.M.~~ on March 30, 1987

A motion was made by Sen. Hayden and was seconded by Sen. Martin to recommend H.B. 2236 as amended, favorably for passage. Motion carried.

Hearing on H.B. 2192 - Allowing movement of vehicles loaded with two combine headers on interstate.

Wilbur Leonard, Kansas Farm Organizations, said they support this bill and it would permit the movement of vehicles loaded overwidth with two combine headers to travel over highways designated as part of the interstate system. A copy of his statement is attached. (Att. 5).

Ed DeSoignie, KDOT, said they were not opposed to this bill. A copy of his statement is attached. (Att. 6).

A motion was made by Sen. Thiessen and was seconded by Sen. Vidricksen to recommend H.B. 2192 favorably for passage.

The Committee discussed the three-month provision on Page 4, line 128. They were told this was to permit movement during wheat harvest. It was not for movement from field to field.

Sen. Thiessen withdrew his motion.

A motion was made by Sen. Frey to conceptually amend the bill to provide for movement from May 1 to November 15. Motion was seconded by Sen. Theissen. Motion carried.

The Committee discussed the fees and since this was for a longer period of time the fee should be increased. A motion was made by Sen. Bond and was seconded by Sen. Francisco to increase the fee to \$25.

A substitute motion was made by Sen. Thiessen and was seconded by Sen. Hayden to increase the fee to \$10. Motion carried.

A motion was made by Sen. Thiessen and was seconded by Sen. Frey to recommend H.B. 2192 as amended, favorably for passage. Motion carried.

Discussion on H.B. 2513 - Disposition of certain fines for vehicular size and weight violations.

The Committee discussed this bill and it was brought out that every county could designate a weight officer and then there could be many cases brought to court and it would increase court costs.

A motion was made by Sen. Francisco to report H.B. 2513 adversely. There was no second.

A motion was made by Sen. Francisco and was seconded by Sen. Bond to amend H.B. 2513 on line 122 after the word county, by inserting "and which citation was issued by the officer employed by the county or township". Motion carried. This is the amendment which was offered by Secretary Duncan. The bill is to be held over.

Meeting was adjourned at 10:00 a.m.

DATE: March 30, 1987

GUEST REGISTER
SENATE
TRANSPORTATION AND UTILITIES COMMITTEE

NAME	ORGANIZATION	ADDRESS
Ed Gaudin	K.S.T.P.A.	Box 267 Meriden, Ks.
NORM WILKS	Ks Assoc of School BPS	TOPEKA
MARK A. BURGHART	KS. DEPT. OF REVENUE	TOPEKA
ED DESOIGNIE	KDOT	TOPEKA
Tom Whitaker	Ks Motor Carriers Assn.	Topeka



TOPEKA

HOUSE OF
REPRESENTATIVES

MAX MOOMAW
ASSISTANT MAJORITY LEADER
REPRESENTATIVE, 117TH DISTRICT
HODGEMAN, LANE AND
PARTS OF FINNEY AND
NESS COUNTIES
R.R. 2, BOX 45
DIGHTON, KANSAS 67839-9801

COMMITTEE ASSIGNMENTS
MEMBER: ECONOMIC DEVELOPMENT
TRANSPORTATION

TO: Senate Transportation and Utilities Committee
Senator Bill Morris, Chairman

FROM: Representative Max Moomaw

RE: House Bill 2236

DATE: March 30, 1987

Thank you Mr. Chairman and Members of the Committee:

House Bill 2236 deals with vehicles that pass school buses that are stopped to pick up or discharge school children. Under current law, the driver of a vehicle passing a bus must be positively identified before they can be charged. It is difficult for the driver of a school bus to identify the driver of a car that passes the bus.

House Bill 2236 allows the driver of a school bus to fill out a form reporting license plate information, description of the vehicle, and the time of the incident. The report is delivered to the County Attorney or the District Attorney of the county where the occurrence happened. Under this bill the owner of the vehicle is then liable for a civil penalty of \$10.00.

The intent of this bill is to bring to the attention of the owner that their vehicle did illegally pass a stopped school bus. If the driver of the vehicle is identified and being prosecuted for the violation, that will be a defense against this penalty. For this section only, the person to whom the vehicle is registered is presumed to be operating the vehicle or to have consented to the operation of the vehicle.

ATT. 1
T&U 3/30/87

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SUMMARY OF TESTIMONY PRESENTED BY KANSAS STATE PUPIL TRANSPORTATION ASSOCIATION BEFORE THE SENATE TRANSPORTATION COMMITTEE MARCH 30, 1987

Kansas State Pupil Transportation Association is strongly in favor of house Bill 2236.

Statistics from the National Survey of School Bus Loading and Unloading, Calendar year 1985, School Year 1985-86:

	1981	1982	1983	1984	1985
Total children killed	37	28	31	30	45
Children Killed by					
Vehicle Passing					
School Bus	11	11	8	9	17

The above statistics reflect an average of 32.7% of those children killed each year, are killed as result of a passing vehicle.

The present law is ineffective in that it is almost impossible to positively identify the driver and most prosecutors will not prosecute unless positive identification can be made.

Presently Missouri has a similar stop-arm law in effect for two years and has experience no problems as a result of it. Nebraska, Colorado and Iowa have similar laws in this year's legislation.

I cannot express how important it is for the drivers of buses to feel that they maintain some control over potentially hazardous situations. After all, we have charged them with our children's safety.

At the K.S.P.T.A. Spring Conference, transportation directors from all over the state were unanimously in favor of H.B. 2236. We feel this legislation is a step in the right direction.

For the safety of our children, I would urge you to pass H.B. 2236.

Edward J. Lindsay
Vice President
Kansas State Pupil Transportation Assn.

ATT. 2
T&U 3/30/87

KANSAS DEPARTMENT OF TRANSPORTATION

DOCKING STATE OFFICE BUILDING — TOPEKA, KANSAS 66612-1568
(913) 296 — 3566



HORACE B. EDWARDS, Secretary of Transportation

MIKE HAYDEN, Governor

March 30, 1987

MEMORANDUM TO: The Honorable Bill Morris, Chairman
Senate Committee on Transportation & Utilities

FROM: Edward R. DeSoignie
Policy Coordinator

REGARDING: House Bill 2236

Thank you Mr. Chairman, members of the Committee.

The Department appears before you this morning in support of the policy espoused in House Bill 2236. This legislation could reduce the problem of unlawful passing of stopped school buses and the dangers posed to students entering or exiting the buses.

The Department respectfully requests the Committee to report House Bill 2236 favorable for passage. Thank you.

ATT. 3
T&U 3/20/87

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



5401 S. W. 7th Avenue Topeka, Kansas 66606
913-273-3600

TESTIMONY ON H.B. 2236

by

Richard Funk, Assistant Executive Director
Kansas Association of School Boards

February 18, 1987

Mr. Chairman and members of the committee, we appreciate the opportunity to testify today on behalf of the 302 members of the Kansas Association of School Boards. The delegate assembly of the Kansas Association of School Boards has adopted a resolution that opposes legislation which requires school bus drivers to report vehicles which illegally pass stopped school buses.

We are encouraging all of our members to work cooperatively with law enforcement agencies to resolve this problem without placing an undue burden upon the bus driver.

ATT. 4
T&U 3/30/87

Committee of . . .

Kansas Farm Organizations

Wilbur G. Leonard
Legislative Agent
109 West 9th Street
Suite 304
Topeka, Kansas 66612
(913) 234-9016

TESTIMONY IN SUPPORT OF HB 2192

SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

March 30, 1987

Mr. Chairman and Members of the Committee:

I am Wilbur Leonard, appearing on behalf of the Committee of Kansas Farm Organizations in support of House Bill No. 2192. I appreciate this opportunity to briefly outline our views on this measure.

This is a bill which deals with the transportation of two combine headers, loaded on a single vehicle.

The present law [K.S.A. 1986 Supp 8-1902 (e)] directs the secretary of transportation to adopt rules and regulations authorizing vehicles to be loaded with two combine headers, but permitting the movement of those vehicles no earlier than 30 minutes before sunrise and no later than 30 minutes after sunset, and further prohibiting the vehicles from moving on any highway which is a part of the national system of interstate and defense highways.

Another statute [K.S.A. 1986 Supp. 8-1911 (b)] provides that the secretary of transportation shall issue permits for a three month period, from May 15 to August 15, for custom combine operators, to travel on the designated interstate highways, as requested by the operator, provided the vehicles do not exceed 12 feet in width and are not overweight.

This bill would remove the ban on the movement on the interstate highway system of vehicles loaded with two combine headers, even though their width exceeds 12 feet, and would authorize the secretary of transportation to issue permits for the movement of vehicles so loaded in the same manner as permits are now issued for custom combine operators.

It is our understanding that these headers, double-loaded, are not as wide as some combines which are now transported over the interstate system.

It doesn't seem logical to restrict the transportation of this equipment to the narrow country roads and the other roads which make up the state highway system, while not permitting double-loaded vehicles to travel the wider, four-lane, divided highways of the interstate system. This also means more miles to be travelled between some points in Kansas, thereby keeping these wide loads on Kansas highways for a greater period of time than is actually necessary.

We respectfully request the Committee to report HB No. 2192 favorably for passage.

Members of the Committee of Kansas Farm Organizations:

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 COOPERATIVES

KANSAS ETHANOL ASSOCIATION

KANSAS FARM BUREAU

KANSAS FERTILIZER & CHEMICAL INSTITUTE, INC.

KANSAS GRAIN & FEED DEALERS ASSOCIATION

KANSAS LIVESTOCK ASSOCIATION

KANSAS MEAT PROCESSORS ASSOCIATION

KANSAS PORK PRODUCERS COUNCIL

KANSAS RURAL WATER DISTRICT ASSOCIATION

KANSAS SEED DEALERS ASSOCIATION

KANSAS SHEEP ASSOCIATION

KANSAS SOYBEAN ASSOCIATION

KANSAS STATE GRANGE

MID-AMERICA DAIRYMEN

KANSAS VETERINARY MEDICAL ASSOCIATION

KANSAS WATER WELL ASSOCIATION

KANSAS DEPARTMENT OF TRANSPORTATION

DOCKING STATE OFFICE BUILDING — TOPEKA, KANSAS 66612-1568
(913) 296 — 3566



HORACE B. EDWARDS, Secretary of Transportation

MIKE HAYDEN, Governor

March 30, 1987

MEMORANDUM TO: The Honorable Bill Morris, Chairman
Senate Committee on Transportation & Utilities

FROM: Edward R. DeSoignie
Policy Coordinator

REGARDING: House Bill 2192

Thank you Mr. Chairman, members of the Committee for the opportunity to appear before you this afternoon.

House Bill 2192 expands the policy permitting the movement of vehicles loaded overwidth with two combine headers to include highways designated as part of the National System of Interstate and Defense Highways. At present, vehicles transporting combine headers are permitted to move on state highways under the provisions of K.S.A. 1986 Supp. 8-1902(e) and the Department's Administrative Regulation 36-35-1 (copy attached).

The Department is not opposed to House Bill 2192. Thank you, Mr. Chairman.

Attachment

ATT. 6
3/30/87