

Approved 1-26-88
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./~~pm~~ on January 21, 1988 in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

Hank Avila reported on Proposal No. 41 - Transportation Services to Elderly and Handicapped Persons. The recommendation was for Post Audit to conduct a study to determine the extent of overlapping services and to identify underserved areas of the state. Post Audit to report this week.

Ben Barrett reviewed the bills currently in this Committee. (Attachment 1).

S.B. 137 is the major highway construction bill. This was put on hold last session because of the Special Session on Highways.

S.B. 185 relates to toilet facilities on railroad lines. Hearings were held on this last year.

S.B. 205 - creates the Residential Utility Ratepayer's Office. It is a bill for consumer representation. KCC has appointed a new committee to try to address this problem, but it is not as extensive as created in this bill. The Governor has also appointed a committee to look at this problem.

Some members felt there was much interest in this bill and the Chairman said we would hear from KCC on this subject and also the Minutes from the Governor's committee would be made available to one member of this committee who would give this committee a briefing on the contents.

S.B. 260 relates to the regulation of bicycles and self-propelled vehicles on highways. Sen. Bond had met with his sub-committee and said there were objections from law enforcement officers and that this bill would create many problems. A motion was made by Sen. Bond to table the bill. Motion was seconded by Sen. Doyen. Motion carried.

S.B. 306 is a bill concerning driver's licenses and the Chairman said bonding was a problem with this bill and also this could take us out of conformity with other states in the compact.

S.B. 312 concerns issuance of distinctive license plates and had been requested by the KU Alumni Association.

S.B. 347 deals with transportation of hazardous material. Sen. Doyen is still working on this with his sub-committee.

S.B. 378 would provide a "floor" for motor fuel tax rates in cities bordering neighboring states. A motion was made by Sen. Doyen to report the bill adversely. Motion was seconded by Sen. Hayden. 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 January 21, 1988

S.B. 404 deals with fake I.D. cards.

H.B. 2101 provides for issuance of special license plates to surviving spouses of ex-POWs. The Chairman urged the members to survey their constituents on this.

H.B. 2203 concerning rented or leased vehicles would be heard next week.

H.B. 2302 concerns licenses for motorized bicycles.

H.B. 2306 deals with bonding.

H.B. 2399 relates to registration of motor vehicles and concerns registration decals. A motion was made by Sen. Doyen to report the bill adversely. Motion was seconded by Sen. Frey. Motion carried.

H.B. 2513 provides that fines imposed for any motor vehicle size or weight violation should go to the county general fund where the violation occurs.

Ben Barrett also reviewed the new bills the committee has received. S.B. 444 provides for instruction permits for class A and class B drivers' licenses. Hearings are scheduled for next week.

S.B. 462 is the bill on odometers. This is the result of the interim study on the subject.

S.B. 484 requires tests for alcohol and drugs in the blood of certain victims of fatal accidents. Hearings are scheduled for next week.

Meeting was adjourned at 9:45 a.m.

DATE: 1-21-88

ROOM: 254-E

GUEST REGISTER
SENATE

TRANSPORTATION AND UTILITIES COMMITTEE

NAME	ORGANIZATION	ADDRESS
Lynda Drew	KDOA	Topeka
Dan Seeburger	BMW	Honover
Jerry Conwell	KGE	Topeka
George Barber	Ks Consulting Engneer	Topeka
Alford A. Maxwell	KCC	Topeka
Shirley McQueen	KCC	Topeka
Michael Thomas	KDAR	"
Ross CALBERT	U.F.U.	Newton
Richard Dame	BLE.	Hoisington
Leroy Jones		Overland Park
Ed DeSoigne	KBOT	Topeka

MEMORANDUM

December 15, 1987

TO: Senate Transportation and Utilities Committee

FROM: Kansas Legislative Research Department

RE: Summary of Carryover Legislation in the Senate
Committee on Transportation and Utilities
from the 1987 Legislative Session

I. SENATE BILLS

S.B. 93 (Senator Anderson, et al.). The bill establishes the Kansas Elderly and Handicapped Transportation Assistance Act. The purpose of the act is to provide financial assistance to transportation systems which provide public transportation services to the elderly and handicapped at rates below the cost to provide such services. The bill requires the Secretary of the Kansas Department of Transportation (KDOT), to distribute funds appropriated for the purpose of providing financial assistance to local transportation systems based on the percentage of elderly and handicapped living in the area served by the transportation system. In addition, the bill includes certain criteria to be used by KDOT in determining a local transportation system's eligibility for state financial assistance. KDOT is allowed to use a maximum of 10 percent of the funds appropriated for financial assistance to administer the provisions of the bill.

S.B. 137 (As Amended by Committee on Transportation and Utilities). The bill, as amended by the Senate Committee on Transportation and Utilities, proposes construction of certain super-two highways and freeways. The main provisions of the bill are summarized below.

1. The proposed routes are:
 - a. from the Kansas Turnpike at Wichita, proceeding east and southeast to the Kansas-Oklahoma border or the Kansas-Missouri border, to the most feasible connection with I-44 in the vicinity of Joplin, Missouri;
 - b. from the Kansas Turnpike at Wichita, proceeding west to Bucklin then west to the Kansas-Colorado border; also, from Bucklin southwest to the Kansas-Oklahoma border;
 - c. from the Kansas Turnpike at Wichita, proceeding northwest to Hutchinson, then to Great Bend, then diagonally to I-70 at Hays;
 - d. from the Kansas Turnpike at Wichita, proceeding west along the route of the Wichita Northeast expressway;

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- e. I-70 and I-470 at the west edge of Topeka, including the interchanges and access to the Kansas Museum of History;
- f. from Arkansas City east to K-99 south of Sedan;
- g. from Sycamore south to Independence; and
- h. from the intersection of K-37 and U.S. 169, south to the Coffeyville vicinity of U.S. 166.

The routes are to be constructed on a first and most important basis within a five-year period. These projects would be directed by an independent management team comprised of the Secretary of Transportation, the chairman of the House Committee on Transportation, the chairman of the Senate Committee on Transportation and Utilities, and two persons appointed by the Governor.

- 2. Beginning July 1, 1987, the Secretary of Transportation is authorized to issue highway bonds in an aggregate principal amount of up to \$810 million for these highway projects and related expenses. Bonds issued under this authority must mature in not more than 30 years and may be redeemed before maturity. Issuance of refunding bonds also is authorized. The bonds are payable from revenues accruing to the Kansas Economic Development Freeway Fund and pledged to pay for highway projects undertaken pursuant to the bill. These bonds would not constitute a debt of the state. The Pooled Money Investment Board would manage the investment of idle funds in the Economic Development Freeway Fund and the Economic Development Freeway Construction Fund.
- 3. Effective July 1, 1987, fuel taxes are increased by 5 cents per gallon. The applicable rates per gallon will be: motor fuels (including gasohol -- based on 1987 legislation), 16 cents; special fuels, 18 cents; and LP-gas, 15 cents. In addition, interstate motor carrier trip permit fees are increased from \$6.50 to \$9.00.
- 4. The additional fuel tax and trip permit revenues resulting from the increases described in 3 (above) would be distributed with 80 percent (4 cents per gallon and \$2.00 of trip permit fees) going to the Economic Development Freeway Fund and 20 percent (1 cent per gallon and 50 cents of the trip permit fees) going to the Special City and County Highway Fund. (As a result the percentage distributions of the total of such revenues would be as follows: 24.7 percent to the Kansas Economic Development Freeway Fund, 33.5 percent to the State Highway Fund, 7.6 percent net to the State Freeway Fund, and 34.2 percent to the Special City and County Highway Fund.)
- 5. Beginning July 1, 1988, fuel tax rates and trip permit fees would be indexed by using the Consumer Price Index for all Urban

Consumers with calendar year 1986 serving as the base year for making such adjustments. (Now, the index used is the unweighted average retail price for premium, leaded, and unleaded motor vehicle fuel sold during November of the calendar year preceding July 1.) Whenever fuel taxes and permit fees increase as the result of indexation, 24.7 percent of the increase would go to the Economic Development Freeway Fund and the remainder would be divided (as in current law) 65 percent to the State Freeway Fund and 35 percent to the Special City and County Highway Fund.

S.B. 185 (Senator Ehrlich, et al.). The bill relates to toilet facilities on railroad lines. Railroad companies would be required to equip each engine and caboose that is used for the transportation and occupation of railroad crewmen with sanitary drinking water. Railroad companies are required to retain toilet facilities on an engine or caboose that is equipped with such facilities and ensure that they are working and maintained in a sanitary condition. The Secretary of Health and Environment is directed to inspect engines and cabooses and to adopt rules and regulations necessary to carry out the provisions of the act. A railroad company violating the act or the rules and regulations adopted by the Secretary of Health and Environment is guilty of a misdemeanor and will be fined \$200 for each violation. Each day a violation occurs is a separate violation.

S.B. 205 (Senator Yost, et al.). The bill creates the Agricultural, Commercial, and Residential Utility Ratepayer's Office. The director of the office is appointed by the Governor with the advice and consent of the Senate for a four-year term. The director is authorized to hire the necessary personnel to carry out the provision of the act. The purpose of the Ratepayers' office is to ensure effective representation of utility consumers before regulatory agencies, the Legislature and other public bodies. The bill prohibits the director of the Ratepayer's Office within two years following his or her termination of employment, from (a) any direct or indirect interest in any utility company regulated by the State Corporation Commission (SCC) and (b) employment by a utility company or the company's parent company or subsidiary companies regulated by the Commission. The Ratepayer's Office is allowed to:

1. assess the impact of utility rate changes and regulatory actions on consumers and be an advocate of positions most advantageous to consumers. The office may appear or intervene on behalf of utility consumers in all proceedings before the SCC.
2. appear at administrative proceedings affecting Kansas consumers before a federal administrative agency or body which has regulatory jurisdiction over rates, services, and similar matters with respect to services provided by any utility.
3. initiate proceedings before any federal or administrative agency before which it is otherwise authorized to appear with respect to matters within the jurisdiction of those agencies.
4. initiate or intervene or appear in a judicial proceeding involving or arising out of an action taken by an administrative agency in a proceeding in which it is authorized to appear.

5. obtain access to nonprivileged matters which are relevant to the subject matter involved in proceedings before the SCC.
6. recommend legislation which in its judgment would positively affect the interests of utility consumers.

The appearance in a proceeding by the Ratepayers' Office does not preclude the appearance of other parties on behalf of utility consumers.

Funding for the Ratepayer's Office would be from appropriated moneys derived from an assessment on the regulated utilities based upon the number of consumers served by each such utility. The amount of the assessment would not be less than 1/20 of 1 percent and not more than 1/10 of 1 percent of the total gross sales to Kansas residential ratepayers served by each utility.

S.B. 260 (Committee on Transportation and Utilities). The bill relates to the regulation of bicycles and certain self-propelled vehicles on highways. The amendments bring Kansas statutes into substantial conformance with amendments to the Uniform Vehicle Code. Among the major changes are to:

1. include bicycles in the definition of "vehicle";
2. prohibit vehicles other than bicycles from crowding out bicycles or motorized bicycles from a left-hand turn lane;
3. permit bicyclists only, the option of using a manual right turn signal consisting of an extended horizontal right arm and hand;
4. allow an adult rider to carry a child in a child carrier designed for that purpose and which is secured on the frame of the bicycle;
5. allow bicyclists or motorized bicyclists to move away from the right side of the roadway when overtaking and passing another vehicle proceeding in the same direction, when preparing for a left turn at an intersection or into a private road, or when necessary to avoid unsafe conditions along the right-hand curb or edge;
6. prohibit any person from operating a bicycle or motorized bicycle on a roadway from impeding the normal and reasonable movement of traffic;
7. prohibit persons riding two abreast from impeding the flow of traffic and requiring such persons when on a laned roadway to ride within a single lane;
8. allow any person operating a bicycle or motorized bicycle on a one-way highway with two or more marked lanes to ride as near the left-hand curb or edge of the roadway as practicable; and
9. to provide for enforcement equipment requirements.

Cities or counties are not prohibited from regulating the operation of bicycles or motorized bicycles on streets or highways.

S.B. 306 (Committee on Transportation and Utilities). The bill provides that a driver's license shall not be issued to anyone whose license has been suspended during the period of a suspension, or whose license has been revoked, except that if the person's license was suspended or revoked in another state, the Division of Vehicles (Department of Revenue) shall review the circumstances of the suspension or revocation, and, after the review, may issue the person a license.

S.B. 312 (Committee on Transportation and Utilities). The bill relates to the issuance of distinctive license plates to members of special organizations or groups -- defined as any nonprofit organization or group which provides a community service.

Upon payment of a one time fee of \$40 per license plate, a distinctive license plate would be issued to a Kansas resident member of a special organization or group for each passenger vehicle or truck registered for a gross weight of not more than 12,000 pounds.

Such a license plate may be issued only after a special organization or group guarantees to the Director of Vehicles that at least 500 license plates will be requested by the organization or group's members.

S.B. 347 (Committee on Federal and State Affairs). The bill creates the Motor Carrier Transportation of Hazardous Materials Act. The bill confers on the SCC specific statutory authority for regulating the transportation of hazardous materials, hazardous substances, and hazardous wastes. The SCC presently regulates common carriers which transport such materials. Under the bill all persons offering for shipment and commercial enterprises operating vehicles in the transportation of any hazardous substance, hazardous material, or hazardous wastes would be regulated. To implement the act the SCC must consult with six other state agencies prior the adoption of regulations on the transportation of hazardous materials -- applicable to both interstate and intrastate transportation. The SCC should consider the applicable U.S. Department of Transportation regulations as a guideline in developing its own regulations; however, SCC regulations may not be more stringent than those of the Department of Transportation.

Other provisions of the bill:

1. require that vehicles transporting hazardous materials be equipped with ten B.C. rated fire extinguishers;
2. require that any person transporting hazardous materials, hazardous waste, or hazardous substance be at least 21 years of age;
3. keep in place all current hazardous material, substance, and waste regulations until changed by the SCC;
4. authorize all law enforcement personnel of the state to enforce the act, including the Commission's special investigators;

5. require the county or district attorney to prosecute any violations of the act; and
6. require carriers involved in the transportation of hazardous materials, substances, or wastes to stop at all railroad grade crossings protected by crossing gates or flashing light signals.

An operator of a motor vehicle who violates specified provisions of the law would be guilty of a misdemeanor and subject to a fine of not to exceed \$500. A carrier or shipper which violates the specified provisions will be cited and must appear before the SCC. Subsequent to notice and hearing, the SCC can fine the carrier or the shipper \$100-\$1,000 for each offense; suspend or prohibit the shipper from transporting hazardous materials, wastes, or substances on Kansas highways; or suspend or prohibit a shipper from offering such substances for transportation on Kansas highways.

The Division of Emergency Preparedness is required to notify the SCC of certain accidents involving the surface transportation of a hazardous material which is required to be placarded when the accident results in a release of such material.

S.B. 378 (Committee on Federal and State Affairs). The bill provides that regardless of K.S.A. 79-34,141(d) (setting a "floor" for motor fuel tax rates): (1) in cities bordering on the state line; (2) within 800 feet of the state line; (3) within 800 feet of the Kansas terminal of a bridge spanning the state line where the state line is in the middle of the river; and (4) from any establishment adjacent to a federal interstate highway within one mile of the state line, the motor fuel tax rate will not be greater than \$.01 per gallon above the rate in the adjoining state, but shall not exceed the rate as set by K.S.A. 79-34,141.

A consumer paying the border tax rate and obtaining delivery into a storage tank cannot deliver the fuel into an auxiliary tank attached to a vehicle but must use the fuel delivered directly from the storage tank into a standard fuel tank of a vehicle.

S.B. 404 (Committee on Federal and State Affairs). Under current law, lending a driver's license or identification card to a person under 21 for purchase of alcoholic liquor or cereal malt beverage, or for wrongfully obtaining a driver's license or identification card is a class A misdemeanor. S.B. 404 alters the penalty provision as follows: Punishment is (1) imprisonment for at least 48 consecutive hours but for not more than one year or, in the court's discretion, 40 hours of public service; and (2) a fine of at least \$250 and court costs but not more than \$1,000. The convicted person must serve at least the 48 consecutive hour imprisonment term or render 40 hours of public service and pay the \$250 fine, plus court costs, before or as a condition of any probation, suspension, or reduction of sentence or parole. No plea bargaining agreement may be entered into and any diversion agreement must at least require the minimum fine be paid as a condition of the diversion agreement.

II. HOUSE BILLS

H.B. 2101 (Committee on Transportation). The bill provides for the issuance of a "prisoner of war" license plate to the surviving spouse of a prisoner of war, upon submission of satisfactory proof, and only if the deceased prisoner of war had been issued a plate prior to his death. The surviving spouse's right to such plate terminates upon remarriage.

H.B. 2203 (Representative Dillon, et al.). The bill provides that a vehicle dealer must disclose in writing to the ultimate purchaser of a motor vehicle the following: (1) the fact that a motor vehicle was used as a driver training motor vehicle; or (2) the fact that a motor vehicle was used as a leased or rented motor vehicle. "Leased or rented motor vehicle" does not include a motor vehicle which is leased or rented by a vehicle dealer to a customer of such dealer while the customer's motor vehicle is being serviced by such dealer. Any violation is subject to the remedies of the Attorney General found in K.S.A. 50-632, and private remedies as set forth in K.S.A. 50-634.

H.B. 2302 (Representative Douville). The bill would eliminate a motorized bicycle only license and require a class C license to operate a motorized bicycle.

H.B. 2306 (Representative Crowell). The bill would permit the Secretary of Transportation to sell bonds by either public or private sale. (Presently, such bonds may only be sold by public bidding.)

H.B. 2399 (Committee on Transportation). The bill relates to the registration of motor vehicles. It deletes the requirement for registration decals to contain the letters designating the county in which the vehicle is registered and requires each license plate, across the bottom, to contain the name of the county in which the vehicle is registered in lettering which is at least three-fourths of an inch high. The county name may be issued on a decal.

The requirement that registration decals be serially numbered in each county is removed; the decals then could be serially numbered statewide.

H.B. 2513 (Committee on Local Government). The bill provides that all fines imposed for any motor vehicle size or weight violations which occur on a county or township highway will be credited to the county general fund if the county is one which employs a law enforcement officer to enforce the size and weight laws.