

Approved 4/8/88

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 March 29, 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:

Art Griggs, Department of Administration
Linda Fund, Department of Administration
Harley Duncan, Secretary, Department of Revenue
Mary Turkington, Kansas Motor Carriers Association
Edwin Roberts, Division of Motor Vehicles
Judith McConnell, Executive Director, Kansas Corporation Commission

Discussion on H.B. 2853 - DUI License Suspension Bill.

Art Griggs, Department of Administration, had some technical and clarifying amendments to the bill. A copy of the current law and proposed changes are attached. (Attachment 1). A copy of the ballon amendments is attached. (Attachment 2).

The committee had several questions about whether this would apply to non-drivers. A conceptual motion was made by Sen. Frey and was seconded by Sen. Bond to insert "no test be submitted unless the person is driving or attempting to drive." Motion carried.

One committee member was troubled by the concept of a person losing his license because he failed a test. There did not seem to be a connection about what this was supposed to accomplish. A person could be cooperative with the police and still fail the test. There was discussion about the state losing federal funds if they did not comply with the federal highway safety program.

Linda Fund, Department of Administration staff attorney, cited some alcohol related traffic offenses. Sen. Bond requested that the Department of Administration place in specific points that the feds are going to require to get federal funds. He asked for a one page summary.

Hearing on H.B. 2600 - Commercial motor carriers, regulation by Kansas Highway Patrol, motor carrier inspection stations.

Harley Duncan, Secretary of Revenue, said this bill would transfer all regulatory powers over commercial carriers from the Department of Revenue to the Kansas Highway Patrol. Inspection and enforcement tasks have become nearly identical as they relate to motor carriers and there has been a shift from stationary weight stations to mobile enforcement. A copy of his statement is attached. (Attachment 3). This change would not require any change in staffing. The Ports of Entry will be under the Highway Patrol. He had a proposed technical amendment to the bill on page 16, line 644 to strike "the inspector in charge of such station" and insert "a member of the Kansas highway patrol. A motion was made by Sen. Francisco and was seconded by Sen. Hayden to adopt this technical amendment. 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 March 29, 1988.

Mary Turkington, Kansas Motor Carriers Association, said they support this bill.

Edwin Roberts, Division of Motor Vehicles had some information which he submitted to the committee. A copy is attached. (Attachment 4).

A motion was made by Sen. Norvell and was seconded by Sen. Frey to recommend H.B. 2600 as amended favorable for passage. Motion carried.

Hearing on S.B. 736 - Concerning transfer of certain balances in motor carrier license fees fund to state highway fund.

Judith McConnell, Executive Director, KCC, said this bill was requested to allow the Commission to address a budgeting problem currently faced by its Transportation Division. There is a cash flow problem from November through February and this would and this would increase the \$200,000 balance to \$400,000. This has been endorsed by the Secretary of Administration. A copy of her statement is attached. (Attachment (Attachment 5)).

A motion was made by Sen. Francisco and was seconded by Sen. Thiessen to recommend S.B. 736 favorable for passage. Motion carried.

Meeting was adjourned at 10:00 a.m.

DATE: 3-29-88

ROOM: 254-E

GUEST REGISTER
SENATE
TRANSPORTATION AND UTILITIES COMMITTEE

NAME	ORGANIZATION	ADDRESS
Don Pickett	KHP	TOPEKA
DAVID HOENPAKER	"	"
Laynard Shearer	"	"
Jackson Hembister	"	"
Gene Pugh	K DOT	"
Ellen Roberts	ME Dept of Rec	ARCHISON
Gale Davis	Governors Office	Topeka
Linda Lund	DOA	"
Art Gregg	DOA	"
John D. Pappell	KCC	"
Way E. Wofford	Revenue	"
Steve Johnson	Ks State A SAP Coal Comm	Topeka
Alfonso A. Maxwell	KCC	"
Norman H. Harrison	KCC	"
Brod Smart	Sec. of Adm.	"
A. Jim	Dir. Rev.	Topeka

2953 Testimony of Arthur H. Griggs
Department of Administration
H.B. ~~2983~~ - Driver's License Suspensions
Senate Transportation Committee

The purpose of H.B. 2983 is to strengthen our efforts to combat drunk driving through swifter and more uniform procedures on license suspensions. Over twenty states have similar provisions and their adoption in Kansas brings the potential for decreased injuries to citizens and \$850,000 per year in traffic safety funds. Highly summarized the changes in the license suspension period are as follows:

<u>Occurrence</u>	<u>Current Law</u>	<u>H.B. 2653 with Amendments</u>
First Conviction	21 days or completion of treatment plus restrictions for the rest of the year	30 days with 1 year restrictions
Second Conviction	1 yr. or 120 days plus restrictions for the rest of the year	1 year
First Test Refusal	6 months	6 months
Second Test Refusal	6 months	1 year
Failure of Test	0	30 days and 1 year restriction

The attached balloon amendments contain both technical and clarifying changes plus the following points:

1. Refusal of Test; First Occurrence: Increase the length of suspension time from 90 day to 6 months. Six months is the current law (Line 68 and 517).
2. Failure of Test or Conviction; First Occurrence: Decrease the length of suspension time from 60 days to 30 days, but provide for a restricted license for one year (Line 76 - 88). This was the way the bill started out. This change addresses a concern raised by Gene Johnson.
3. Clarify Suspensions Not Cumulative: It was unclear that a suspension for a conviction is not be in addition to a suspension for refusal or failure of the test (Line 96).
4. Restricted Licenses, Rewording: To qualify for additional federal funds, only three general classes of restrictions are authorized. The rewording preserves current Kansas procedures while conforming to the federal funding criteria (page 11).
5. Administrative Hearings; Evidence: Section 9 is amended to provide for the admission of forensic laboratory reports to be admitted into evidence as if the forensic examiner had testified in person. This is modeled after current law relating to preliminary examinations (page 21).
6. Was Person Attempting to Operate Vehicle: Section 9 is expanded to add to the scope of the hearing for a person who fails the test. At the hearing the scope includes whether the person operated or attempted to operate a motor vehicle (Line 231, p. 20).

ATT. 1
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ATT. 2
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0047 or drug-related conviction, or any combination thereof arising
0048 from one arrest, occurring in the immediately preceding five
0049 years, including prior to the effective day of this act.

0050 (d) "Other competent evidence" includes: (1) Alcohol con-
0051 centration tests obtained from samples taken two hours or more
0052 after the operation or attempted operation of a vehicle; and (2)
0053 readings obtained from a partial alcohol concentration test on a
0054 breath testing machine.

0055 (e) "Samples" includes breath supplied directly for testing,
0056 which breath is not preserved.

0057 (f) "Test failure" or "fails a test" refers to a person's having
0058 results of a test administered pursuant to this act, other than a
0059 preliminary screening test, which show an alcohol concentration
0060 of .10 or greater in the person's blood or breath.

0061 (g) "Test refusal" or "refuses a test" refers to a person's
0062 failure to submit to or complete any test, other than a preliminary
0063 screening test, in accordance with this act.

0064 New Sec. 2. (a) Except as provided by subsections (d) and (e)
0065 subsection (d), if a person refuses a test, the division shall,
0066 pursuant to K.S.A. ~~8-2002~~ and amendments thereto: → [8-1002

0067 (1) On the person's first occurrence, suspend the person's
0068 driving privileges for 90 days, ~~then restrict the person's driving~~ → [six months
0069 ~~privileges as provided by K.S.A. 8-202 and amendments thereto~~
0070 ~~for an additional 90 days; and~~

0071 (2) on the person's second or a subsequent occurrence, sus-
0072 pend the person's driving privileges for one year.

0073 (b) Except as provided by subsections (d) and (e) subsection
0074 (d), if a person fails a test, the division shall, pursuant to K.S.A.
0075 ~~8-2002~~ and amendments thereto: → [8-1002

0076 (1) On the person's first occurrence, suspend the person's
0077 driving privileges for 30 ~~60~~ days, then restrict the person's → [30
0078 driving privileges as provided by K.S.A. 8-202 and amendments
0079 thereto for an additional ~~90~~ days; and → [one year

0080 (2) on the person's second or a subsequent occurrence, sus-
0081 pend the person's driving privileges for one year.

0082 (c) Except as provided by subsections (d) and (e) subsection
0083 (d), if a person has an alcohol or drug-related conviction, the

084 division, on receipt of a report of such conviction, shall:
 085 (1) On the person's first occurrence, suspend the person's
 086 driving privileges for 30 ~~60~~ days, then restrict the person's
 087 driving privileges as provided by K.S.A. 8-292 and amendments
 088 thereto for an additional 90 ~~days~~; and

30

or until the division is notified that the person has completed
 educational and treatment programs required by the court, which-
 ever is longer

089 (2) on the person's second or a subsequent occurrence, sus-
 090 pend the person's driving privileges for one year.

one year

091 (d) ~~Except as provided by subsection (e), if a person under 18~~
 092 ~~years of age refuses a test, fails a test or has an alcohol-related~~
 093 ~~conviction, the division shall suspend the person's driving priv-~~
 094 ~~ileges for one year or until the person reaches 18 years of age,~~
 095 ~~whichever is longer.~~

If a person is subject to suspension of such person's
 driving privileges pursuant to this section for refusal to
 test, failure of a test or an alcohol or drug-related con-
 viction arising from the same arrest, the period of such
 suspension shall not exceed the period authorized by sub-
 sections (a), (b) or (c), and such suspension periods shall
 not be added together or otherwise imposed consecutively.
 In addition, in determining the period of such suspension
 as authorized by subsections (a), (b) or (c), such person
 shall receive credit for any period of time for which such
 person's driving privileges were suspended while awaiting
 any hearing or final order authorized by this act.

096 (e) ~~If a person's test refusal, test failure or alcohol-related~~
 097 ~~conviction, or any combination thereof, arises out of one arrest,~~
 098 ~~such person's driving privileges shall be subject to suspension,~~
 099 ~~or suspension and restrictions, for the longest period applicable.~~

0100 (f) (e) If the division has taken action under subsection (a) or
 0101 (b) and such action is stayed pursuant to K.S.A. 8-259 and
 0102 amendments thereto or if temporary driving privileges are issued
 0103 pursuant to subsection (j) of K.S.A. 8-1002 and amendments
 0104 thereto, the stay or temporary driving privileges shall not pre-
 0105 vent the division from taking the action required by subsection
 0106 (c).

0107 Sec. 3. K.S.A. 1987 Supp. 8-247 is hereby amended to read as
 0108 follows: 8-247. (a) All original licenses shall expire on the fourth
 0109 anniversary of the date of birth of the licensee which is nearest
 0110 the date of application. All renewals thereof, shall expire on
 0111 every fourth anniversary of the date of birth of the licensee. No
 0112 driver's license shall expire in the same calendar year in which
 0113 the original license or renewal license is issued, except that if the
 0114 foregoing provisions of this section shall require the issuance of a
 0115 renewal license or an original license for a period of less than six
 0116 calendar months, the license issued to the applicant shall expire
 0117 at midnight on every fourth anniversary of the date of birth of the
 0118 applicant.

0119 (b) If the driver's license of any person shall expire expires
 0120 while such person is outside of the state of Kansas and on active

0380 prohibited by such a statute so provides, a district or municipal
0381 court may enter an order restricting a ~~person's privilege of~~
0382 ~~operating a motor vehicle~~ the person's driving privileges to
0383 driving only under the circumstances enumerated in subsection
0384 (c).

0385 (b) Whenever a statute requires the division to place re-
0386 strictions on a person's driving privileges, the division shall
0387 restrict the person's driving privileges to driving only under the
0388 circumstances enumerated in subsection (c).

0389 (c) When a person's driving privileges are restricted pursu-
0390 ant to this section, such person shall be restricted to driving
0391 only under the following circumstances: (1) In going to or re-
0392 turning from the person's place of employment or schooling; (2)
0393 in the course of the person's employment; (3) during a medical
0394 emergency; (4) in going to and returning from probation or
0395 parole meetings, drug or alcohol counseling or any place the
0396 person is required to go to attend an alcohol and drug safety
0397 action program as provided in K.S.A. 8-1008 and amendments
0398 thereto; (5) at such times of the day as may be specified by the
0399 order; and (6) to such places as may be specified by the order.

0400 (b) (d) Restrictions imposed pursuant to this section shall be
0401 for a period of not less than 90 days nor more than one year, as
0402 specified by the court order.

0403 (e) (e) Upon entering an order restricting a person's license
0404 under this section driving privileges under subsection (a), the
0405 court shall require that the license be surrendered to the court
0406 the person surrender to the court any ~~Kansas~~ driver's license in
0407 the person's possession. The court shall transmit the any such
0408 license to the division of vehicles of the department of revenue,
0409 together with a copy of the order. Upon its receipt, the division of
0410 vehicles shall issue without charge a driver's license which shall
0411 indicate on the face of the license that restrictions have been
0412 imposed on the person's ~~privilege of operating a motor vehicle~~
0413 ~~driving privileges~~ and that a certified copy of the order imposing
4 the restrictions is required to be carried by the person for whom
0415 the license was issued any time the person is operating a motor
0416 vehicle on the highways of this state. If the person is a nonresi-

[a mandated
education or treatment program; and (3) in exceptional circum-
stances specific to the offender, which may include: (A) going
to or returning from school; (B) in the course of the person's
employment; (C) a medical emergency; (D) going to and returning
from probation or parole meetings, drug
[E]
[F]

0491 blood or breath test used, a urine test may be required. If a law
0492 enforcement officer requests a person to submit to a test of urine
0493 under this section, the collection of the urine sample shall be
0494 supervised by persons of the same sex as the person being tested
0495 and shall be conducted out of the view of any person other than
0496 the persons supervising the collection of the sample and the
0497 person being tested, unless the right to privacy is waived by the
0498 person being tested. The results of qualitative testing for drug
0499 presence shall be admissible in evidence and questions of accu-
0500 racy or reliability shall go to the weight rather than the admissi-
0501 bility of the evidence.

0502 (e) No law enforcement officer who is acting in accordance
0503 with this section shall be liable in any civil or criminal proceed-
0504 ing involving the action.

0505 (f) (1) Before a test or tests are administered under this
0506 section, the person shall be given oral and written notice that: (A)
0507 *Kansas law requires the person to submit to and complete one or*
0508 *more tests of breath, blood or urine to determine if the person is*
0509 *under the influence of alcohol or drugs, or both; (B) the oppor-*
0510 *tunity to consent to or refuse a test is not a constitutional right;*
0511 (C) there is no constitutional right to consult with an attorney
0512 regarding whether to submit to testing; ~~(B) refusal~~ (D) if the
0513 person refuses to submit to and complete any test of breath,
0514 blood or urine hereafter requested by a law enforcement officer
0515 will result in six months' suspension of the person's driver's
0516 license; (C), the person's driving privileges will be suspended
0517 for ~~at least 90 days~~; (E) if the person submits to and completes
0518 the test or tests and the test results show a blood or breath
0519 alcohol concentration of .10 or greater, the person's driving
0520 privileges will be suspended for at least 30 ~~60~~ days; (F) if the
0521 person is under 18 years of age, has been convicted or granted
0522 diversion on a charge of driving under the influence of alcohol
0523 or drugs, or both, or has refused or failed a test, the person's
0524 driving privileges will be suspended for at least one year; (G)
0525 refusal to submit to testing may be used against the person at any
0526 trial on a charge arising out of the operation or attempted opera-
0527 tion of a motor vehicle while under the influence of alcohol or

[six months

[30

[if the person either refuses a test of the test results show an alcohol concentration of .10 or greater and within the last 5 years,

0001 drugs, or both; ~~(D)~~ (H) the results of the testing may be used
 0011 against the person at any trial on a charge arising out of the
 0012 operation or attempted operation of a motor vehicle while under
 0013 the influence of alcohol or drugs, or both; and ~~(E)~~ (I) after the
 0014 completion of the testing, the person has the right to consult with
 0015 an attorney and may secure additional testing, which, if desired,
 0016 should be done as soon as possible and is customarily available
 0017 from medical care facilities and physicians. After giving the
 0018 foregoing information, a law enforcement officer shall request
 0019 the person to submit to testing. The selection of the test or tests
 0020 shall be made by the officer. If the person refuses to submit to
 0021 and complete a test as requested pursuant to this section, addi-
 0022 tional testing shall not be given ~~and the person's driver's license~~
 0023 *unless the certifying officer has probable cause to believe that*
 0024 *the person, while under the influence of alcohol or drugs, or*
 0025 *both, has operated a motor vehicle in such a manner as to have*
 0026 *caused the death of or serious injury to another person. In such*
 0027 *event, such test or tests as otherwise authorized by law may be*
 0028 *made in the same manner as if a search warrant had been issued*
 0029 *for such test or tests and, if the test results show a blood or*
 0030 *breath alcohol concentration of .10 or greater, the person's*
 0031 *driving privileges shall be subject to suspension, or suspension*
 0032 *and restriction, as provided in K.S.A. 8-1002 and amendments*
 0033 *thereto and section 2. The person's refusal shall be admissible in*
 0034 *evidence against the person at any trial on a charge arising out of*
 0035 *the alleged operation or attempted operation of a motor vehicle*
 0036 *while under the influence of alcohol or drugs, or both.*
 0037 (2) Failure of a person to provide an adequate breath sample
 0038 or samples as directed shall constitute a refusal unless the person
 0039 shows that the failure was due to physical inability caused by a
 0040 medical condition unrelated to any ingested alcohol or drugs.
 0041 (3) It shall not be a defense that the person did not under-
 0042 stand the written or oral notice required by this section.
 0043 (g) Nothing in this section shall be construed to limit the
 0044 admissibility at any trial of alcohol or drug concentration testing
 0045 results obtained pursuant to a search warrant.
 0046 (h) Upon the request of any person submitting to testing

[pursuant to
 [under the authority of K.S.A. 22-2502, or without a search
 warrant under the authority of K.S.A. 22-2501. If

0195 period in accordance with subsection ~~(k)~~ ⁽¹⁾. The person's driving
 0196 privileges shall be suspended in accordance with the notice of
 0197 suspension served upon the person and the suspension shall not
 0198 be stayed nor shall the temporary license be extended as a result
 0199 of the hearing request.

0200 (h) (1) If the officer certifies that the person refused the test,
 0201 the scope of the hearing shall be limited to whether: ~~(1)~~ (A) A law
 0202 enforcement officer had reasonable grounds to believe the per-
 0203 son was operating or attempting to operate a motor vehicle while
 0204 under the influence of alcohol or drugs, or both; ~~(2)~~ (B) the
 0205 person was in custody or arrested for an alcohol or drug related
 0206 offense or was involved in a motor vehicle accident or collision
 0207 resulting in property damage, personal injury or death; ~~(3)~~ (C) a
 0208 law enforcement officer had presented the person with the oral
 0209 and written notice required by K.S.A. 8-1001 and amendments
 0210 thereto; and ~~(4)~~ (D) the person refused to submit to and complete
 0211 a test as requested by a law enforcement officer.

0212 (e) If no hearing is requested in writing within 10 days or if
 0213 the division makes a finding adverse to the person after a hear-
 0214 ing, the division shall suspend the person's license, permit to
 0215 drive or nonresident operating privileges for a minimum period
 0216 of six months.

0217 (2) If the officer certifies that the person failed the test, the
 0218 scope of the hearing shall be limited to whether: (A) A law
 0219 enforcement officer had reasonable grounds to believe the per-
 0220 son was operating or attempting to operate a motor vehicle
 0221 while under the influence of alcohol or drugs, or both; (B) the
 0222 person was in custody or arrested for an alcohol or drug related
 0223 offense or was involved in a motor vehicle accident or collision
 0224 resulting in property damage, personal injury or death; (C) a
 0225 law enforcement officer had presented the person with the oral
 0226 and written notice required by K.S.A. 8-1001 and amendments
 0227 thereto; (D) the testing equipment used was reliable; (E) the
 0228 person who operated the testing equipment was qualified; (F)
 0229 the testing procedures used were reliable; and (G) the test result
 0230 determined that the person had an alcohol concentration of .10
 0231 in such person's blood or breath

and (H) the person was operating or attempting to operate
 a motor vehicle.

232 (i) At a hearing pursuant to this section, or upon court
 233 review of an order entered at such a hearing, an affidavit of the
 234 custodian of records at the Kansas department of health and
 235 environment stating that the breath testing device was ~~reliable~~
 236 and the operator of such device was ~~qualified~~ on the date of the
 237 test shall be ~~conclusive evidence for purposes of establishing the~~
 238 ~~reliability of the breath testing device and the qualifications of~~
 239 ~~the operator of such device. Such affidavit shall be admitted to~~
 240 ~~prove such reliability without further foundation requirement.~~
 241 A ~~qualified~~ operator of a breath testing device shall be compe-
 242 tent to testify regarding the proper procedures to be used in
 243 conducting the test.

certified

certified

admissible into evidence in the same manner and with the same force and effect as if the certifying officer or employee of the Kansas department of health and environment had testified in person.

certified

244 (j) ~~The suspension period imposed pursuant to this section~~
 245 ~~shall begin upon the expiration of the temporary license granted~~
 246 ~~under subsection (e), whether or not a request for hearing is~~
 247 ~~made. If a timely request for hearing is made, the hearing shall~~
 248 ~~be held within 45 days of the date the request for hearing is~~
 249 ~~received by the division. If the division is unable to hold a~~
 250 ~~hearing within 45 days of the date upon which the request for~~
 251 ~~hearing is received, the division, at the end of the 45-day period,~~
 252 ~~shall issue temporary driving privileges to the person to be~~
 253 ~~effective until the date of the hearing, which shall be held at the~~
 254 ~~earliest available opportunity. No temporary driving privileges~~
 255 ~~shall be issued for continuances requested by or on behalf of the~~
 256 ~~licensee. If the person whose privileges are suspended is a~~
 257 ~~nonresident licensee, the license of the person shall be for-~~
 258 ~~warded to the appropriate licensing authority in the person's~~
 259 ~~state of residence if the result at the hearing is adverse to such~~
 260 ~~person or, if no timely request for a hearing is received.~~

At a hearing pursuant to this section, or upon court review of an order entered at such hearing, in which the report of blood test results have been prepared by the Kansas bureau of investigation or other forensic laboratory of a state or local law enforcement agency are to be introduced as evidence, the report, or a copy of the report, of the findings of the forensic examiner shall be admissible into evidence in the same manner and with the same force and effect as if the forensic examiner who performed such examination, analysis, comparison or identification and prepared the report thereon had testified in person.

(k)

(1)

261 (f) (k) ~~All notices affirming or canceling a suspension under~~
 262 ~~this section and, all notices of a hearing held under this section~~
 263 ~~and all issuances of temporary driving privileges pursuant to~~
 264 ~~subsection (j) shall be sent by first-class mail and a U.S. post~~
 265 ~~office certificate of mailing shall be obtained therefor. All notices~~
 266 ~~so mailed shall be deemed received three days after mailing.~~

(m)

267 (g) (t) ~~The division shall prepare and distribute forms for use~~
 268 ~~by law enforcement officers in giving the notice required by this~~



KANSAS DEPARTMENT OF REVENUE

Office of the Secretary

Robert B. Docking State Office Building

Topeka, Kansas 66612-1588

MEMORANDUM

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

FROM: Harley T. Duncan *HTD*
Secretary of Revenue

RE: House Bill 2600 - Transfer of Motor Carrier Inspection Stations

DATE: March 29, 1988

INTRODUCTION

1. House Bill 2600 would transfer the enforcement elements of the Motor Carrier Inspection Bureau of the Department of Revenue's Division of Vehicles to the Kansas Highway Patrol. This would result in the shifting of approximately \$4.4 million in Vehicle Operating Funds and 175 full time positions. Both the Kansas Highway Patrol and the Department of Revenue support the bill.
2. My testimony today includes a brief chronological overview of activities which have taken place over the years that have had an impact on the motor carrier industry in Kansas which should establish the background for the recommended transfer. I will also outline the specific rationale for the transfer and explain what functions will be transferred and which will remain in the department.
3. House Bill 2600 does not change the internal organizational structure of the bureau, close any stations, or alter staffing at any of the station locations. It merely transfers the program to the Highway Patrol from the Department of Revenue. The Governor's Budget calls for the funding of current operations.

HISTORY OF ORGANIZATIONAL CHANGES

1. Motor Carrier Inspection Stations were originally established as Ports of Entry during the late 1920's and early 1930's to enforce fuel use tax laws.
2. In 1978, approximately twenty of the stations were closed and weight enforcement functions of the Department of Transportation were transferred to the Department of Revenue. The remaining Ports of Entry were renamed Motor Carrier Inspection Stations with the primary function continuing to be the issuance of regulatory permits. In addition, a Central Permit Office was opened in Topeka to provide permits to motor carriers via wire services.

3. Kansas joined the International Registration Plan (IRP) in 1981 which allowed for the proportional registration of fleets of vehicles in other jurisdictions. After registering in an IRP state, which then becomes the carrier's base state, the carrier is free to move through member IRP states without the necessity of obtaining individual trip permits. The Interstate Registration Bureau in the Department of Revenue implemented the program and in 1983, the bureau was combined with the Motor Carrier Inspection Bureau and renamed the Operating Authority Unit.
4. The major emphasis of the Motor Carrier Inspection Bureau changed in 1984 from permit issuance to vigorous enforcement of motor carrier laws. There was a growing concern over the continued use of stationary weigh and permit stations from a cost-effective budgetary perspective as well as the question of whether the stations continued to offer a needed service to the motor carrier industry. With increased usage of the Central Permit Office and IRP annualized permits, carriers now had the opportunity to purchase permits prior to entering the state. This alternative eliminated the "down time" associated with locating an open inspection station to purchase necessary permits. In addition, Kansas became an active participant in the federal grant Motor Carrier Safety Assistance Program (MCSAP) in 1984. This required increased **mobile enforcement** of weight and permit limitations and operating authority and close coordination of these activities with the Kansas Highway Patrol.
5. Attached are three reports which show that revenues have declined overall due to the increased usage of annualized permits since FY 1981. Expenditures were greater than revenues collected until FY 1987. The trend was corrected by closing several unprofitable stations and reducing staffing at other locations to save on salaries and wages. Sales have more than doubled for the Central Permit Office growing from \$74,787 in FY 1984 to \$156,832 in FY 1987. This reflects the preferred use of the telephone permit issuance service by the motor carrier industry.

RATIONALE FOR THE TRANSFER

1. The shift from stationary weigh stations to mobile enforcement has resulted in Motor Carrier Inspection Bureau personnel performing enhanced law enforcement functions with full police powers which mirror several areas performed by the Highway Patrol. Motor carrier inspectors deal with stolen equipment, registration violations, and cooperate in the detection and apprehension of alcohol impaired drivers. As a result of an Attorney General's opinion, motor carrier inspectors involved in enforcement were deemed to be law enforcement personnel and as such are required to become certified under state law. They are sent to the Kansas Highway Patrol Training Center in Salina for 336 hours of basic law enforcement training and receive 40 hours of in-service training from the Highway Patrol each year.
2. Inspection and enforcement tasks have become nearly identical as they relate to commercial vehicles. A close and mutually beneficial relationship has developed between the Kansas Highway Patrol and the Motor Carrier Inspection Bureau. The very similar work performed in the "open road" environment has caused the two agencies to find each others' personnel very helpful. The expertise developed by each agency has complimented the operations of the officers in the field when dealing with commercial vehicles.
3. The Motor Carrier Inspection Bureau is an integral part of the safety inspection program of the Highway Patrol. The emphasis of this program is the reduction of injuries and fatalities involving commercial motor carriers by detection and removal of unsafe

vehicles and drivers from Kansas Highways. Activities such as speed enforcement, weight and permit limitations and operating authority need to be under the control of one organization.

4. Leaving the Motor Carrier Inspection Bureau in the Department of Revenue will lead to duplication of effort by the State. Both the Highway Patrol and the Inspection Bureau are patrolling the highways and detaining trucks performing similar and duplicate functions. This causes confusion within the motor carrier industry and impacts the State's ability to provide consistent enforcement policies and direction.
5. The primary function of the Department of Revenue is the collection of taxes and fees, not law enforcement. As outlined earlier, this used to be the main function of the Ports of Entry as well. With enforcement levels continuing to increase, the bureau needs the Highway Patrol's support in the areas of law enforcement recruiting, technical training and management skills. The department simply does not have the expertise in these areas. In addition, it does not have the radio communications and well developed field supervision network for highway oriented enforcement.

FUNCTIONS TRANSFERRED TO THE HIGHWAY PATROL OR RETAINED BY THE DEPARTMENT OF REVENUE

1. Operating expenses of approximately \$4.4 million and 175 full time positions would be transferred to the Highway Patrol.
 - a. Enforcement Administration (9 positions). The staff prepares enforcement policies, arranges for bureau training, supervises operations, performs maintenance and repairs for all equipment, performs budget and personnel functions for all field operations and reconciles all station bank accounts.
 - b. Field Supervision (8 positions). The State is divided into eight regions with a Field Supervisor responsible for the staff and operations of all ports, weigh stations and mobile enforcement units in the area assigned.
 - c. Ports (62 positions). Staff for eighteen stationary permit locations.
 - d. Weigh Stations (52 positions). Staff for eight stationary locations equipped with permanent scales.
 - e. Mobile Enforcement Units (44 positions). Seventeen units equipped with pursuit vehicles.
2. The Department of Revenue will retain approximately \$750,000 and 31 full time positions.
 - a. Central Permit Office (11 positions). Field operations deal with permit issuance in conjunction with enforcement. The Central Permit Office issues permits for the Divisions of Taxation and Vehicles within the Department of Revenue, the Kansas Corporation Commission and the Kansas Department of Transportation. The unit issues the permits electronically to over 3,000 locations for use by commercial operators in lieu of permanent registration. The Central Permit Office has no enforcement function.

Law Enforcement

- b. Operating Authority Unit (20 positions). The Operating Authority Unit accepts applications for motor fuel licenses, KCC authority, sales tax permits, title transfers and prorated vehicle tags from commercial transportation companies. It also issues all prorated tags and audits the use of these tags. It serves no direct enforcement role.
- c. Together, the Central Permit Office and the Operating Authority Unit make up the "one-stop-shop" which was established last year and is located at 17th and Fairlawn here in Topeka. The office provides the motor carrier one reference point for all permits as well as a central location where questions can be answered. The move was made in conjunction with a recommendation from the the National Governors' Association (NGA) study, "Working Group on State Motor Carrier Procedures".

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 202

ATTACHMENT

MOTOR CARRIER INSPECTION FACILITIES

PERMIT STATIONS

1. Kansas City
2. Sabetha
3. Fort Scott
4. Opolis - Closed 2-15-88
5. Crestline
6. Chetopa
7. Coffeyville
8. Kiowa
9. Englewood
10. Liberal
11. Liberal
12. Elkhart
13. Collidge
14. Norton
15. Phillipsburg
16. Lebanon
17. Belleville
18. Marysville

COMBINED PERMIT/WEIGHT STATIONS

1. Olathe
2. Caney
3. South Haven
4. Kanorado
5. St Marys
6. Wabaunsee
7. Oberlin
8. Hiawatha

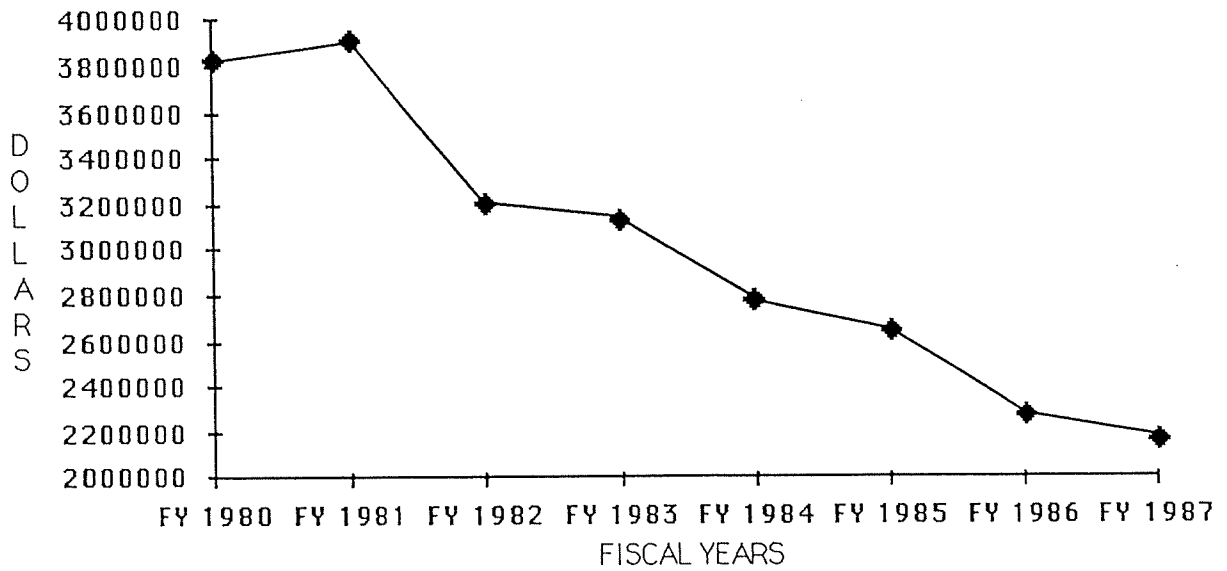
MOBILE ENFORCEMENT UNITS

1. Gardner
2. Lawrence
3. Chanute
4. Pittsburg
5. Baxter Springs
6. South Haven
7. Wichita
8. Wichita
9. Liberal
10. Garden City
11. Colby
12. Oakley
13. Phillipsburg
14. Salina
15. Mankato
16. Topeka
17. Emporia

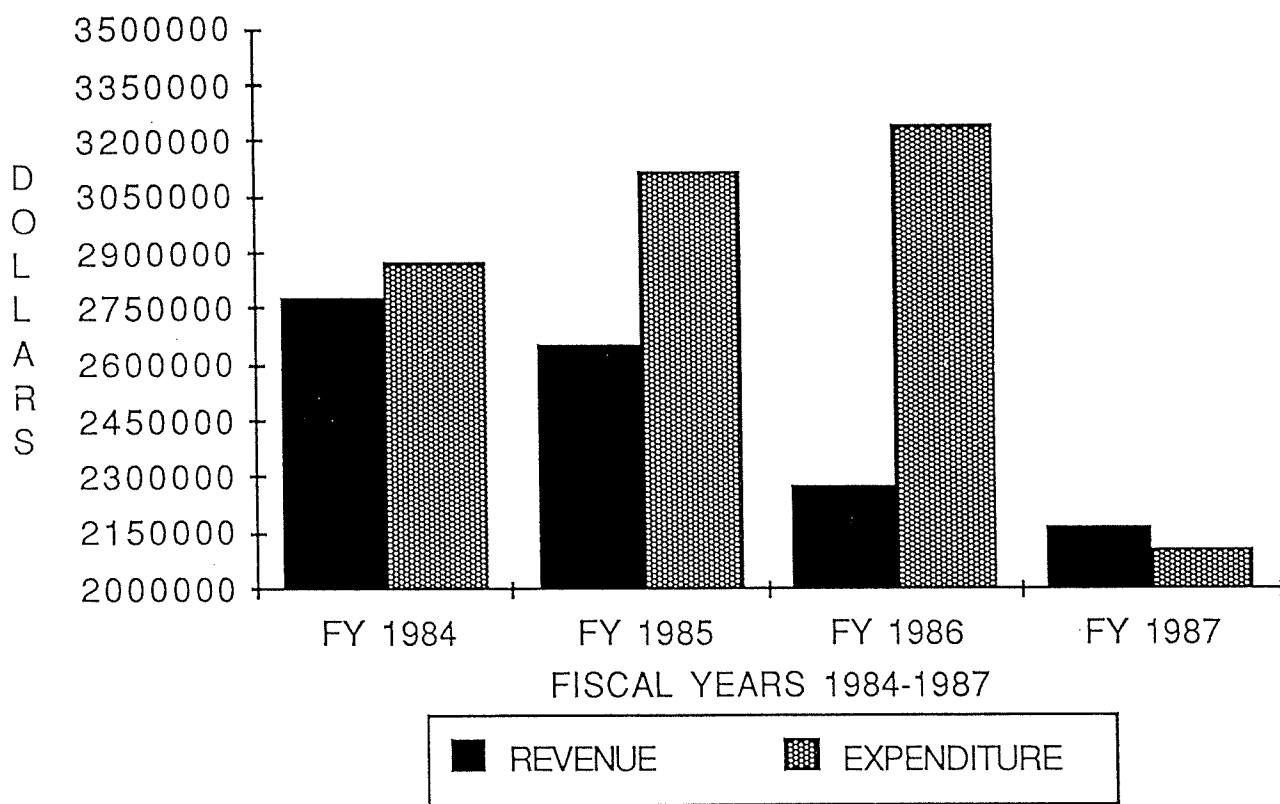
Total Revenues FY 1980 - FY 1987

FY 1980	\$3,824,529	FY 1984	\$2,778,515
FY 1981	\$3,919,769	FY 1985	\$2,652,799
FY 1982	\$3,203,414	FY 1986	\$2,275,512
FY 1983	\$3,136,829	FY 1987	\$2,166,293

Motor Carrier Inspection Station Revenues



MCI Stations-Revenues Versus Expenditures



REVENUES AND EXPENDITURES, BY STATION, FOR FY 1984-1987

	FY 1984			FY 1985			FY 1986			FY 1987		
STATIONS	REVENUE	EXPENSES	OPERATING PROFIT/LOSS	REVENUE	EXPENSES	OPERATING PROFIT/LOSS	REVENUE	EXPENSES	OPERATING PROFIT/LOSS	REVENUE	EXPENSES	OPERATING PROFIT/LOSS
ELWOOD	25,666	122,238	-96,572	28,312	126,059	-97,747	17,071	82,939	-65,868	11,775	CLOSED 4/23/87	11,775
KANSAS CITY	440,605	215,230	225,375	402,822	207,422	195,399	302,377	277,888	24,489	295,305	211,215	84,090
FORT SCOTT	85,177	94,108	-8,931	76,991	98,142	-21,151	54,379	101,402	-47,023	57,475	73,175	-15,700
OPOLIS	43,628	91,692	-48,064	39,269	79,582	-40,313	32,740	82,389	-49,649	29,892	CLOSED 2/15/88	29,892
CRESTLINE	58,219	91,166	-32,946	56,493	94,295	-37,802	53,425	97,495	-44,069	52,795	38,665	14,130
CHECTOPA	34,244	106,026	-71,782	29,576	109,533	-79,957	28,620	113,255	-84,635	25,374	55,920	-30,546
COFFEYVILLE	59,967	91,323	-31,357	63,089	94,726	-31,637	54,609	81,843	-27,234	61,716	55,920	5,796
SOUTH HAVEN	545,843	239,823	306,020	509,503	248,692	260,812	408,057	288,897	119,160	376,763	193,960	182,803
KIOWA	99,070	91,253	7,816	72,279	79,226	-6,947	55,830	65,688	-9,859	53,461	38,665	14,796
ENGLWOOD	85,715	91,130	-5,415	83,866	94,376	-10,510	59,916	96,991	-37,075	50,489	38,665	11,824
LIBERAL	134,467	92,455	42,011	129,599	95,242	34,357	104,014	98,761	5,253	91,376	73,175	18,201
LIBERAL	148,292	91,381	56,911	137,029	94,617	42,412	106,625	130,264	-23,640	110,543	73,175	37,368
ELKHART	34,748	91,683	-56,936	36,061	94,635	-58,575	22,075	97,525	-75,450	17,966	55,920	-37,954
COCLUDGE	29,580	31,265	-1,685	34,234	32,622	1,612	23,933	33,775	-9,842	28,947	55,920	-26,973
KANORADO	275,978	237,779	38,198	240,515	248,829	-8,314	210,487	257,637	-47,150	183,458	176,705	6,753
ST. FRANCIS	48,657	91,062	-42,404	49,052	94,274	-45,222	38,558	98,359	-59,801	32,296	CLOSED 7/17/87	32,296
OBERLIN	54,081	91,419	-37,339	71,451	95,019	-23,569	53,863	82,270	-28,407	34,771	38,665	-3,894
NORTON	57,396	91,686	-34,291	70,661	94,849	-24,187	51,400	113,963	-62,563	41,948	90,430	-48,482
LEBANON	54,954	91,587	-36,633	57,903	94,702	-36,799	46,495	97,696	-51,202	43,354	55,920	-12,566
BELLEVILLE	152,960	155,694	-2,733	141,258	145,581	-4,323	112,453	166,404	-53,952	114,319	107,685	6,634
MARYSVILLE	32,673	91,396	-58,723	31,486	94,628	-63,142	29,130	97,743	-68,613	27,195	55,920	-28,725
SABETHA	92,561	106,045	-13,484	80,889	126,332	-45,443	61,987	113,245	-51,258	55,269	55,920	-651
TOPEKA	74,787	84,708	-9,921	85,744	87,780	-2,036	107,802	90,510	17,292	156,832	159,450	-2,618
WABAUNSEE	49,698	78,157	-28,459	43,191	71,955	-28,765	56,375	74,369	-17,994	39,366	90,430	-51,064
WABAUNSEE	15,627	74,597	-58,970	15,276	87,048	-71,772	10,737	90,249	-79,512	8,442	69,020	-60,579
CLATHE	13,025	68,645	-55,620	5,839	147,426	-141,587	4,243	136,838	-132,596	6,366	51,765	-45,399
CLATHE	30,897	68,611	-37,714	46,003	147,408	-101,405	147,984	136,745	11,239	140,150	124,940	15,210
PHILLIPSBURG		410	-410	14,409	16,240	-1,831	19,847	16,844	3,003	18,050	21,410	-3,360
ST. MARYS		394	-394		16,867	-16,867	483	20,884	-20,402	603	21,410	-20,807
BALDWIN JUNCTION										142	NOT STAFFED	142
HIAWATHA										1,997	21,410	-19,413
ALL STATIONS	2,778,515	2,872,966	-94,452	2,652,799	3,118,106	-465,307	2,275,512	3,242,868	-967,356	2,166,293	2,084,045	82,248

we the undersigned as taxpayers and employees of the Department of Revenue would like a complete accounting of the claims as to wages and salaries submitted in the issue paper presented to the Kansas Legislature resulting in House Bill #2600.

We feel that the figures submitted were inaccurate in that the salaries stated for several locations were duplicated when this is almost impossible given the variables involved, length of service, classification, position on the wage step scale. For all these to be the same in more than one location is hard to believe. Yet in the presentation the same figure appears three times 111,745.00, three times 95,972.00, three times 80,199.00, twice 134,737.00. Are all staffed the same, have the same hours of operation?

The scales in Olathe are not covered in either of these questions, Stations 24W, and 23W.

The salary and wage statement for Station 5A Kansas City is questionable. An Inspector with 30 years service has an annual income of 17,400.00 with possibly a benefit package of 1,200.00 giving a total of 18,600.00 another with 5 years service has an annual income of 13,692.00, there are 5 employees that receive a shift differential totaling 412.00 annually. Total staffing 12 Inspectors approximate averaging would possibly be 15,000.00 X 12 = 180,000.00 compared to the figure of 270,000.00 submitted there seems to be an approximate inflated 90,000.00 claimed for FY 1986.

The FY 1985 claim for Station 64 Sabetha was submitted as 124,926.00 actual wages and salaries per tax forms 64,239.60 again with an inflated presentation of 60,687.00 excessive. WHY? Are we to be made to look non-productive? These two instances show a discrepancy totaling more than 150,000.00 alone. We feel that the figures submitted need to be verified and proved. And if accurate where is the money we did not receive?

Also in the paper submitted Station 8 Olathe was omitted, yet this Station was one of the most productive generating a large sum of revenue for Kansas. Again the question, why? Attached is a brief summary of Station 8s operation during the years in question. Was this omitted purposely?

Also attached are the charts submitted with the questionable items highlighted.

ATT. 4
T&U
3/29/88

Summary

We have no objection to the transfer of our operation to the Kansas Highway Patrol. However, at the same time we feel that given the vast number of highways in Kansas (second only to California) the Inspection Stations (Ports of Entry) are needed for the servicing of the Motor Carrier Industry while if properly operated generating income for the State of Kansas. This would eliminate a burden that enforcement alone we feel would be hard pressed to maintain again referring to the highway situation in Kansas would encourage illegal operations without the Inspection Stations to maintain a check and balance system. The presentation submitted gives us the impression that while serving Kansas as best we can we have not been productive in serving the industry. With all the mandates and restrictions applied to us we have done as well as we can without being insubornate. Some assurance needs to be established so that we can further serve Kansas as in the past. Without the feeling of job insecurity. All we ask is that a long look be taken of the operation of the Port of the past and present overall benifits they provide the state.

Elvin R. Roberts MCI-1
Thomas J. Decker
John W. Gannon
Ray K. Cooper MCI-1
Alvin C. Smith
Beverly Camp
Walter M. Miller
John A. Sutton
James E. Jackson

Motor Carrier Inspectors Department of Revenue Motor Carrier Inspection
Station 5A Kansas City, Kansas. Dated 25 March 1988.

REVENUES AND EXPENDITURES, BY STATION,					
FOR FISCAL YEARS 1984-1986					
FY 1984					
STATIONS	NO.	REVENUE	OOE	SALARIES/ WAGES	OPERATING PROFIT/LOSS
ELWOOD	1	\$25,666.20	\$2,850.07	\$119,388.00	(\$96,571.87)
KANSAS CITY	5A	\$440,605.15	\$7,228.32	\$208,002.00	\$225,374.83
FORT SCOTT	14	\$85,176.95	\$4,258.17	\$89,850.00	(\$8,931.22)
OPOLIS	17	\$43,628.05	\$1,841.93	\$89,850.00	(\$32,948.21)
CRESTLINE	17A	\$58,219.45	\$1,315.66	\$89,850.00	(\$32,948.21)
CHETOPA	21	\$34,244.05	\$1,406.83	\$104,619.00	(\$71,781.78)
COFFEYVILLE	22	\$59,966.75	\$1,473.45	\$89,850.00	(\$31,356.70)
SOUTH HAVEN	28A W	\$545,842.80	\$2,282.64	\$237,540.00	\$308,020.16
KIOWA	31	\$99,089.65	\$1,403.44	\$89,850.00	\$7,816.21
ENGLEWOOD	38	\$85,715.00	\$1,280.16	\$89,850.00	(\$5,415.16)
LIBERAL	37	\$134,466.90	\$2,605.42	\$89,850.00	\$42,011.48
LIBERAL	37A	\$148,292.05	\$1,531.47	\$89,850.00	\$56,910.63
ELKHART	40	\$34,747.75	\$1,833.48	\$89,850.00	(\$56,935.73)
COOLIDGE	43	\$29,580.00	\$491.00	\$30,774.00	(\$1,685.00)
KANORADO	48 W	\$275,977.65	\$239.48	\$237,540.00	\$38,198.17
ST. FRANCIS	47	\$48,657.10	\$1,211.52	\$89,850.00	(\$42,404.42)
OBERLIN	49 W	\$54,080.00	\$1,589.49	\$89,850.00	(\$37,338.59)
NORTON	51	\$57,395.50	\$1,838.02	\$89,850.00	(\$34,290.52)
LEBANON	55	\$54,953.00	\$1,737.28	\$89,850.00	(\$36,633.36)
BELLEVILLE	58	\$152,660.30	\$6,767.65	\$148,926.00	(\$2,733.35)
MARYSVILLE	62	\$32,673.40	\$1,546.14	\$89,850.00	(\$58,722.74)
SABETHA	64	\$92,581.25	\$1,428.01	\$104,619.00	(\$13,483.76)
TOPEKA	66	\$74,786.85	CENTRAL PERMIT	\$84,708.00	(\$9,921.15)
WABAUNSEE	21 W	\$49,697.60	\$4,312.07	\$73,845.00	(\$28,459.47)
WABAUNSEE	22 W	\$15,627.45	\$752.25	\$73,845.00	(\$58,969.80)
OLATHE	23 W	\$13,025.40	\$1,566.94	\$87,078.00	(\$55,619.54)
OLATHE	24 W	\$30,898.70	\$1,533.12	\$87,078.00	(\$37,714.42)
PHILLIPSBURG	53		\$410.00		
ST. MARY'S	63 W		\$394.24		
ALL STATIONS		\$2,778,514.75	\$57,104.25	\$2,815,862.00	(\$94,451.50)

FY 1985					
STATIONS	NO.	REVENUE	OOE	SALARIES/ WAGES	OPERATING PROFIT/LOSS
ELWOOD	1	\$28,311.90	\$2,403.73	\$123,655.00	(\$97,746.83)
KANSAS CITY	5A	\$402,821.60	\$7,277.43	\$200,145.00	\$195,399.17
FORT SCOTT	14	\$76,990.85	\$5,082.75	\$93,059.00	(\$21,150.90)
OPOLIS	17	\$39,268.95	\$1,820.58	\$77,761.00	(\$40,312.61)
CRESTLINE	17A	\$56,492.50	\$1,235.81	\$93,059.00	(\$37,802.31)
CHETOPA	21	\$29,578.00	\$1,175.89	\$108,357.00	(\$79,958.69)
COFFEYVILLE	22	\$63,089.40	\$1,667.13	\$93,059.00	(\$31,636.73)
SOUTH HAVEN	28A W	\$509,503.20	\$2,652.56	\$246,039.00	\$260,811.64
KIOWA	31	\$72,279.05	\$1,484.80	\$77,761.00	(\$6,946.75)
ENGLEWOOD	36	\$83,866.05	\$1,317.34	\$93,059.00	(\$10,510.29)
LIBERAL	37	\$129,599.10	\$2,182.62	\$93,059.00	\$34,357.48
LIBERAL	37A	\$137,029.05	\$1,558.37	\$93,059.00	\$42,411.68
ELKHART	40	\$36,060.80	\$1,576.41	\$93,059.00	(\$58,574.61)
COOLIDGE	43	\$34,234.20	\$755.05	\$31,867.00	\$1,612.15
KANORADO	46 W	\$240,514.60	\$2,789.61	\$246,039.00	(\$8,314.01)
ST. FRANCIS	47	\$49,051.90	\$1,214.97	\$93,059.00	(\$45,222.07)
OBERLIN	49 W	\$71,450.60	\$1,960.25	\$93,059.00	(\$23,568.65)
NORTON	51	\$70,661.15	\$1,789.50	\$93,059.00	(\$24,187.35)
LEBANON	55	\$57,903.05	\$1,643.39	\$93,059.00	(\$36,799.34)
BELLEVILLE	58	\$141,258.40	\$6,628.27	\$138,953.00	(\$4,322.87)
MARYSVILLE	62	\$31,486.20	\$1,569.34	\$93,059.00	(\$63,142.14)
SABETHA	64	\$80,888.85	\$1,405.92	\$124,926.00	(\$45,443.07)
TOPEKA	66	\$85,744.20	CENTRAL PERMIT	\$87,780.00	(\$2,035.80)
WABAUNSEE	21 W	\$43,190.70	\$2,479.36	\$69,476.00	(\$28,764.66)
WABAUNSEE	22 W	\$15,276.40	\$2,274.24	\$84,774.00	(\$71,771.84)
OLATHE	23 W	\$5,839.00	\$1,459.81	\$145,968.00	(\$141,588.81)
OLATHE	24 W	\$46,003.05	\$1,441.62	\$145,966.00	(\$101,404.57)
PHILLIPSBURG	53	\$14,408.65	\$941.92	\$15,298.00	(\$1,831.27)
ST. MARY'S	63 W		\$297.60	\$16,569.00	
ALL STATIONS		\$2,652,799.40	\$60,066.05	\$3,058,040.00	(\$485,306.65)

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FY 1986					
STATIONS	NO.	REVENUE	OOE	SALARIES/ WAGES	OPERATING PROFIT/LOSS
ELWOOD	1	\$17,071.00	\$2,740.43	\$80,199.00	(\$65,868.43)
KANSAS CITY	5A	\$302,377.00	\$7,078.84	\$270,809.00	\$24,489.16
FORT SCOTT	14	\$54,378.95	\$5,429.93	\$95,972.00	(\$47,022.98)
OPOLIS	17	\$32,740.00	\$2,189.64	\$80,199.00	(\$49,648.64)
CRESTLINE	17A	\$53,425.45	\$1,522.91	\$95,972.00	(\$44,069.46)
CHETOPA	21	\$28,619.90	\$1,510.38	\$111,745.00	(\$84,635.48)
COFFEYVILLE	22	\$54,609.00	\$1,643.80	\$80,199.00	(\$27,233.80)
SOUTH HAVEN	26A W	\$408,057.45	\$3,649.43	\$285,248.00	\$119,160.02
KIOWA	31	\$55,829.75	\$1,262.30	\$64,426.00	(\$9,858.55)
ENGLEWOOD	36	\$59,915.90	\$1,019.29	\$95,972.00	(\$37,075.39)
LIBERAL	37	\$104,013.80	\$2,788.99	\$95,972.00	\$5,252.81
LIBERAL	37A	\$108,624.50	\$2,748.31	\$127,518.00	(\$23,839.81)
ELKHART	40	\$22,075.10	\$1,552.76	\$95,972.00	(\$75,449.66)
COOLIDGE	43	\$23,932.80	\$894.51	\$32,880.00	(\$9,841.71)
KANORADO	46 W	\$210,487.30	\$3,934.96	\$253,702.00	(\$47,149.66)
ST. FRANCIS	47	\$38,557.60	\$2,386.69	\$95,972.00	(\$59,801.09)
OBERLIN	49 W	\$53,883.00	\$2,071.11	\$80,199.00	(\$28,407.11)
NORTON	51	\$51,399.80	\$2,218.04	\$111,745.00	(\$62,563.24)
LEBANON	55	\$46,494.50	\$1,724.42	\$95,972.00	(\$51,201.92)
BELLEVILLE	58	\$112,452.55	\$7,340.21	\$159,084.00	(\$53,951.66)
MARYSVILLE	62	\$29,130.15	\$1,770.76	\$95,972.00	(\$68,612.61)
SABETHA	64	\$81,988.85	\$1,499.50	\$111,745.00	(\$51,257.85)
TOPEKA	66	\$107,802.05	CENTRAL PERMIT	\$90,510.00	\$17,292.05
WABAUNSEE	21 W	\$58,374.90	\$2,724.29	\$71,645.00	(\$17,994.39)
WABAUNSEE	22 W	\$10,737.00	\$2,830.58	\$87,418.00	(\$79,511.58)
OLATHE	23 W	\$4,242.60	\$2,101.29	\$134,737.00	(\$132,595.69)
OLATHE	24 W	\$147,984.00	\$2,007.53	\$134,737.00	\$11,239.47
PHILLIPSBURG	53	\$19,847.10	\$1,071.21	\$15,773.00	\$3,002.89
ST. MARY'S	63 W	\$482.50	\$3,777.08	\$17,107.00	(\$20,401.58)
ALL STATIONS		\$2,275,512.30	\$73,487.19	\$3,169,381.00	(\$967,355.89)

Inspection Station #8 Olathe

Facts and Figures

Fact; Station 8 was open both fiscal year 1984, and fiscal year 1985,

Fact: For the year 1984 there were seven (7) regular employees at an average salary of approximately 14,000.00 (generous) grossing approximately 98,000.00 for the year. Income 263,115.80 over all operating expenses unknown. This creates an income for the state of approximately 165,115.00. Also there were two (2) intermittent employees with a maximum income of approximately 7,000.00 each totaling 14,000.00 leaving a balance of 151,115.00.

For the 1985 year there was approximately the same revenues generated. Also there was a reduction in the workforce from 7 regular employees to 6, and 2 intermittent to 1. The pay level would be compatible with 1984 with maybe a 5% increase approximately 5,000.00 additional. This also was reduced further with the elimination of two shifts and operating only from 8:00am to 4:00pm for the last quarter still generating an income of 71,000.00 for this period.

Our question is why was an operation such as this not listed, also why when it was generating an income to the state of this magnitude was it closed?

These facts and figures are verifiable per Mr. Lloyd Hamilton Inspector-In-Charge of Station 8 during the period in question from whom these statistics were obtained. Calculator tapes supplied from records available.

1	78.50+	666.00+	1,029.50+	982.00+	423.50+	1,011.50+
2	215.50+	343.00+	677.00+	1,110.50+	958.50+	50.40+
3	344.50+	543.50+	352.50+	1,101.00+	1,031.00+	234.50+
4	898.50+	735.00+	353.00+	634.50+	842.00+	518.40+
5	1,083.00+	927.50+	739.00+	220.00+	790.00+	1,252.90+
6	833.50+	1,164.00+	730.00+	456.00+	572.50+	762.00+
7	471.00+	870.50+	1,132.00+	728.00+	406.00+	803.00+
8	368.00+	456.50+	740.00+	1,167.50+	709.00+	916.00+
9	746.00+	415.50+	374.50+	665.00+	840.50+	751.00+
10	452.00+	392.00+	245.00+	845.00+	917.90+	379.65+
11	296.00+	719.50+	341.50+	546.00+	1,119.90+	467.00+
12	322.00+	760.00+	1,024.50+	236.50+	659.00+	1,104.50+
13	520.50+	834.50+	1,182.50+	515.50+	661.50+	851.50+
14	992.00+	623.50+	1,069.50+	923.50+	205.00+	1,403.60+
15	630.00+	332.00+	882.50+	1,044.50+	434.50+	712.50+
16	829.00+	590.50+	765.00+	878.00+	1,041.40+	528.00+
17	898.00-	661.50+	405.50+	1,004.50+	1,124.50+	382.00+
18	898.00+	1,113.00+	450.00+	586.50+	1,033.00+	542.00+
19	922.00+	1,013.00+	1,027.50+	452.50+	816.00+	938.00+
20	924.00+	818.50+	915.00+	454.50+	704.50+	1,265.15+
21	761.50+	478.50+	1,101.00+	1,256.40+	218.50+	909.50+
22	468.50+	348.50+	821.50+	1,020.00+	538.90+	785.40+
23	399.50+	573.00+	694.50+	1,108.00+	1,021.50+	970.30+
24	432.00+	844.50+	248.50+	755.00+	888.00+	348.50+
25	824.00+	793.50+	392.50+	864.50+	870.50+	527.50+
26	434.50+	889.50+	848.50+	445.50+	701.50+	964.40+
27	390.00+	1,002.50+	1,191.50+	512.00+	695.50+	714.20+
28	953.50+	1,072.00+	779.50+	891.00+	389.50+	956.00+
29	927.00+	465.50+	781.00+	625.00+	489.00+	867.50+
30	969.00+	467.00+	657.40+	392.50+	1,091.50+	673.50+
31	891.50+	401.00+	242.50+	904.00+	959.50+	439.50+
32	876.50+	501.00+	394.50+	637.00+	902.50+	535.00+
33	519.50+	5.00+	1,191.50+	310.00+	1,593.80+	1,318.15+
34	418.50+	967.50+	1,075.50+	400.00+	486.00+	1,054.00+
35	1,006.50+	980.00+	1,151.50+	795.00+	194.00+	891.30+
36	898.00+	1,123.00+	994.00+	759.00+	193.50+	968.65+
37	885.00+	842.50+	807.00+	921.00+	386.50+	659.50+
38	921.00+	557.50+	186.00+	843.50+	1,091.50+	265.50+
39	755.50+	1,329.00+	382.00+	487.50+	1,927.05+	513.00+
40	571.50+	891.50+	1,083.00+	278.00+	1,134.50+	1,327.60+
41	355.00+	427.50+	937.00+	425.00+	694.00+	1,170.00+
42	853.50+	249.50+	1,106.90+	1,043.00+	389.50+	888.00+
43	947.00+	591.00+	859.00+	712.90+	362.50+	775.50+
44	998.50+	1,299.00+	457.00+	429.50+	1,057.65+	556.50+
45	1,030.50+	886.00+	201.50+	853.50+	1,370.50+	323.50+
46	812.15+	999.50+	161.50+	725.00+	1,049.40+	354.00+
47	499.50+	836.50+	1,440.90+	613.00+	714.50+	1,045.00+
48	285.00+	530.50+	971.00+	154.50+	717.30+	1,025.50+
49	504.50+	337.00+	1,346.40+	1,108.00+	374.50+	875.50+
50	1,001.50+	474.00+	607.00+	1,172.00+	307.00+	852.00+
51	797.00+	970.00+	460.50+	799.50+	826.90+	491.00+
52	727.00+	1,081.50+	503.50+	912.40+	1,250.40+	432.00+
53	730.50+	1,209.50+	900.00+	524.50+	1,042.00+	527.00+

1	1,065.90+
2	930.50+
3	711.50+
4	594.00+
5	468.50+
6	619.80+
7	1,110.50+
8	845.00+
9	591.00+
10	252.50+
11	229.50+
12	394.50+
13	961.50+
14	1,000.00+
15	825.50+
16	964.00+
17	614.00+
18	374.00+
19	500.50+
20	892.00+
21	1,197.00+
22	879.50+
23	841.00+
24	696.00+
25	378.00+
26	396.00+
27	1,148.50+
28	630.50+
29	1,025.00+
30	541.50+
31	615.50+
32	351.50+
33	437.50+
34	958.50+
35	960.00+
36	913.00+
37	703.50+
38	363.15+
39	162.50+
40	105.50+
41	19.00+
<hr/>	
	261,230.30*
	1,885.50
	0.*

0. A

71,000.00+
71,000.00*

1	523.50+
2	677.00+
3	399.50+
4	130.00+
5	54.50+
6	101.00+
<hr/>	
	1,885.50*

0.*

8
1985

June 1 to
April 16

when
1st + 3rd shift
Closed this date

1984

8:
261,230.30
1,885.50

263,115.80

OPERATING ONLY
ONE SHIFT 8AM-4PM
STAFFED 2 INSPECTORS
TOTAL

1st PAGE
53 x 6 + 2 = 320
2nd PAGE
41 + 6 = 47

367

LEAD YEAR
INCOME PER DAY
FY OPERATION

1984
8

Ladies and Gentlemen of the House:

I am Orpha Fogo of Motor Carrier Inspection Station #58, Belleville, Kansas. I started to work for M.C.I.S. on August 2, 1969.

I have seen changes that have been good for the State of Kansas, but many have hurt the State of Kansas, money-wise.

I am representing the ones who work in the field; the ones who meet and hear what the small truck lines want. They want to come into Kansas and be able to buy the permits they need to be legal in our state.

The independent truckers and small truck lines like the Motor Carrier Inspection Stations. It is handy and convenient for them. We make sure, before they leave, that they are legal. Some think they are legal when they get to Kansas and are surprised to find they are not.

Permits sent by wire from the Central Permit Office and other places cost 2 to 3 times more because of wire and truck stop charges and also telephone charges, than those purchased at a Motor Carrier Inspection Station. (Enclosed are copy samples of their cost.)

The truckers who try to receive their permits by wire sometimes have to wait overnight or longer for a wire or transceiver to come. They may have to drive miles to find a place which can receive a wire or transceiver.

When all the Ports were open, the truckers were able to receive permits without driving out of their way. Now it is either have a wire sent from the Central Permit Office; buy permits from other states who have the right to sell them; or drive miles out of their way to find an open Motor Carrier Inspection Station.

When all of the Ports were open and the truckers had to stop, we were able to fill out Form CT5 for sales tax not collected in Kansas. This came to a tidy sum.

According to Kansas livestock laws, all livestock coming into or going thru Kansas must clear at a Motor Carrier Inspection Station. This is one way to help control disease. Are we going to jeopardize our livestock industry by not recording movement of livestock into our state which could be of questionable health?

In harvest time what will the combine operators do? Some stations sell more permits during harvest time than any time of the year. This means 30 day tags, 72 hours, fuel and oversize permits. The combiner has to have these permits to be legal in and thru Kansas for harvest. Harvest is usually May thru October, sometimes later.

Closing 8 Motor Carrier Inspection Stations (Ports) on the north side of Kansas would cause truckers, combine operators and others needing permits to have only one Motor Carrier Inspection Station (Belleville) on the north side to obtain permits. West side would have only Kanorado scales open (closing two). South side would have Liberal, South Haven and Caney (closing six). East side would have Ft. Scott, Olathe and Kansas City (closing four). With more stations regularly open at established time schedules, there should be more revenue generated.

Now if only 7 Motor Carrier Inspection Stations - including scales - are to be available to truckers, this will really open the door for illegal operations. Is this what we need?

Some stations are now open only 8 hours a day and some 16 hours a day. This is confusing to the truck lines since they do not know which station will be open when.

Instead of closing the Motor Carrier Inspection Stations, we feel Kansas would profit more by opening the stations that have been closed but still have a good building available.

I hope we have gotten our feelings across to you; why we feel it is important to keep the Motor Carrier Inspection Stations open.

Are there any questions?

Kansas Department of Revenue Recommendations

Therefore, due to the continued loss of revenue at the MCI stations, the move to centralize the permit facilities and the recommendations of the NGA study, the department proposes:

The closing of all non-scale inspection stations, with the exceptions of Kansas City, Belleville, Liberal and Fort Scott.



Closing Ports of Entry--Is This Any Way to Save Money?

Kansas legislators are considering closing all the Ports of Entry in Kansas except four, one of which would be the Belleville Motor Carrier Inspector Station located on US81 Highway.

Sometimes one wonders how the minds of Kansas legislators work. The Ports of Entry, before they started closing them, cleared over \$2,000,000 annually. Now the 17 inspection stations they plan to close collected over \$834,000 in 1987. One wonders how this is going to save the state money.

In addition to this, apparently little consideration is being given to the fact that a great number of workers employed at these ports would become unemployed or become welfare recipients.

We think it is better for the state to provide employment and allow residents to earn or make a living. One proposal is to sell permits "out of state". This hardly helps Kansas employment.

Inspection stations sell 30 day tags, 74 hour fuel and oversize to carnivals, construction crews, drillers, custom harvesters, etc.

For a long time we have advocated inspection stations be used as Tourist Information Centers. The stations are located on the major

highways as tourists enter the state, and can be especially important in providing travelers with information about sights, interests, lodging and facilities the state offers.

Presently the state's permits are cheap as compared with other states. Kansas fuel permit is \$6.50, while Nebraska's fee is \$10 and some states are even more. Kansas's oversize permit is \$5, and this could easily be \$10. Most states are more. Montana charges \$50 for an oversize vehicle. Some fees are too low such as the charge for emergency clearance which is only \$2.50.

The Kansas law requires that all livestock coming into Kansas must clear the inspection stations and health papers be checked, but how can livestock be cleared by wire, as one proposal suggests? The same for liability insurance. The law calls for outsiders visiting the state to have such insurance.

As a general policy we don't like or approve of big government, but in the case of the state's Port of Entries, it does seem these serve a useful purpose. They pay their own way and provide a service to many, even those seeking weather conditions on the highways.

REMARKS BY JUDITH MCCONNELL
EXECUTIVE DIRECTOR
KANSAS CORPORATION COMMISSION
MARCH 29, 1988
SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The Kansas Corporation Commission requested the introduction of legislation which would allow the Commission to address a budgeting problem currently faced by its Transportation Division. The Commission filed its request with the Senate Ways and Means Subcommittee charged with a review of the Commission's Fiscal Year 1989 budget request. Senate Bill 736 incorporates the Senate Ways and Means Committee's recommendation in this regard, thereby allowing an increase in the unencumbered cash balance in the Commission's Motor Carrier License Fee Fund.

Presently the Commission is required to transfer all unencumbered balances over \$200,000 in the Motor Carriers License Fee Fund to the State Highway Fund twice a year (on January 2nd and July 2nd). The Commission has realized operating efficiencies in its Transportation Division's licensing operations in recent years (largely as a result of its computerization efforts). Consequently, the licensing period has been reduced from four months to two months and all licensing activity is completed by December 31st. The loss of this income during January and February contributes to cash flow problems that can only be addressed by allowing a larger unencumbered cash balance following the January 2nd transfer. Senate Bill 736 increases the \$200,000 balance referred to in K.S.A. 66-1,142 to \$400,000.

This legislation has received the endorsement of the Secretary of Administration. The Commission supports passage of Senate Bill 736 and thanks you for your attention to this matter. I would be happy to answer any questions you might have in this regard.

ATT. 5
T&U
3/29/88