

Approved August 4, 1989  
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at  
Chairperson

1:30 ~~am~~ p.m. on February 1, 1989 in room 519-S of the Capitol.

All members were present except: Representative Dillon

Committee staff present:

Bruce Kinzie, Revisor of Statutes  
Hank Avila, Legislative Research  
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Mr. Dan Grohn, City of Wichita  
Major Charles Rummery, Wichita Police Department  
Mr. Mark Wettig, Kansas Department of Revenue

The meeting was called to order by Chairman Crowell, and the first order of business was a hearing on HB-2055 concerning an exemption from liquified petroleum motor fuel tax.

Mr. Dan Grohn, City of Wichita, testified in support of HB-2055. (See Attachment 1)

Mr. Charles Rummery, Major, Wichita Police Department, spoke in support of HB-2055. (See Attachment 2)

Mr. Mark Wettig, Kansas Department of Revenue, testified concerning HB-2055. (See Attachment 3)

The next order of business was a hearing on HB-2053 concerning the requirement of certain persons to wear life saving devices.

Representative Cindy Empson briefed the Committee on the contents of HB-2053. (See Attachment 4)

Mr. Darrell Montei, Kansas Department of Parks and Wildlife testified in support of HB-2053. (See Attachment 5)

Committee discussion ensued.

The meeting was adjourned at 2:00 p.m.

  
Rex Crowell, Chairman



Grohn

**DEPARTMENT OF  
PUBLIC WORKS**  
**FLEET & BUILDINGS DIVISION**  
CITY HALL — EIGHTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4338

January 30, 1989

**TO:** Chairman Crowell and Members of the House Transportation Committee

**FROM:** Dan Grohn, Fleet & Buildings Director  
CITY OF WICHITA

**RE:** H.B. No. 2055 LP MOTOR FUEL TAX EXEMPTION FOR LAW  
ENFORCEMENT VEHICLES

Chairman Crowell and Members of the Committee:

The City of Wichita wishes to express its support of the provisions in House Bill No. 2055 to exempt municipally owned vehicles used in law enforcement from the State LP Motor Fuel Tax Law.

In 1981, the City of Wichita began converting a number of its vehicles to liquefied petroleum fuel because it was considered cleaner and less expensive than gasoline. The City has converted more than 1,000 cars and trucks, at a cost of \$1.16 million. This amount includes an average cost of \$700 per vehicle and \$284,000 for the purchase and installation of the necessary fuel tanks and dispenser system at our maintenance facilities.

Until 1983, subdivisions of the State were specifically exempt from taxation under the Liquefied Petroleum Motor Fuel Tax Law. We must now annually monitor, keep additional records, affix tags, and submit a detailed listing to the State on 140 LP fueled vehicles.

In 1989, the City of Wichita will pay over \$25,000 in LP fuel tax. In addition, many hours are spent each year updating records, processing tax payments, and affixing the "Tax Paid" tags on each vehicles. Since we fuel our own vehicles, these tags do not serve their intended purpose of notifying an LP vendor not to charge the tax on a sale of propane for that vehicle.

To our knowledge, Salina is the only other city affected by the LP Tax Law. Salina's Central Garage Manager advises they have approximately 80 LP fueled light and heavy trucks of which they pay over \$6,100 annually in LP tax.

Att. 1

Page 2

Re: H.B. No. 2055 LP Motor Fuel Tax Exemption for Law Enforcement Vehicles

Since propane tax revenues are eventually distributed back to cities and counties, we believe it would be most cost effective for everyone to exempt local governments once again from this tax. Although it is the City's preference that municipalities be totally exempt from the LP Motor Fuel Tax Law, exemption of our law enforcement vehicles will certainly reduce the amount of tax we pay as well as the administrative time and cost for the whole process. We currently have 35 LP fueled police vehicles that consume approximately 48 percent of our annual propane supply.

The City of Wichita requests your consideration and urges your support of House Bill No. 2055. Thank you.

## LP MOTOR FUEL TAX EXEMPTION

A change in the state law is necessary to reduce the cost to cities for operating vehicles fueled by LP gas. Use of LP gas as a motor fuel has saved tax dollars in past years and since LP burns clean, it has been environmentally beneficent.

### Review

In 1983, the State Legislature removed local government's exemption from the LP motor fuel tax law. The exemption was originally created to encourage the use of LP gas as a clean burning alternative fuel for motor vehicles. The 1983 action was a revenue raising measure primarily directed to recover fuel taxes from farmers and other users who took bulk delivery of LP gas for purposes other than motor fuel.

In 1985, the City of Wichita requested introduction of a bill to again exempt municipalities from the tax. SB294 was introduced by several Sedgwick County senators but was stricken from the calendar late in the session. In 1986, Senator Francisco amended this bill (then 354) on to HB3030 in an effort to save it, but the amendment did not survive the committee.

For the 1987 Legislative Session, SB170 was introduced by Senators Anderson, Daniels, Feleciano, Francisco, Morris and Yost. This bill would exempt municipally owned vehicles used primarily for law enforcement from the LP motor fuel tax. Again, the bill failed to pass committee.

### History

In 1981, the City of Wichita began converting a number of its vehicles to liquified petroleum fuel because it was considered cleaner and less expensive than gasoline. In addition, we expected (and realized) longer vehicle life through use of a cleaner burning alternate fuel. Over the life of this program, the City of Wichita has converted more than 1,000 vehicles and pieces of construction equipment to burn propane and has spent more than 1.16 million dollars in instituting and maintaining the program. This amount includes an average cost of \$700 per vehicle and \$284,000 for the purchase and installation of the necessary fuel tanks and dispenser system at our maintenance facilities.

Since 1981, our program has been safely managed. We have extended the operational life of our units by an average of 25%, saving the taxpayer money in reduced fuel costs and in equipment repair and replacement costs. There are currently 140 vehicles operating on LPG. Thirty-five are police units. The 35 police units consume about 48% of our total propane purchased for motor vehicle use.

### Specifics of the Proposal

The proposal would amend existing law to exempt municipally owned vehicles used for law enforcement activities from the motor fuel tax. Benefits gained through increased use of LPG as a motor fuel are: 1) Less air pollution, 2) Lower cost of municipal government operations, through use of cheaper fuel, extension of asset operational life. Finally, elimination of the annual report and associated clerical activities such as affixation of a tax sticker to each vehicle would reduce overhead costs.

# THE CITY OF WICHITA



POLICE DEPARTMENT  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

TO: Chairman Crowell and Members of the House  
Transportation Committee

FROM: Charles Rummery, Major, Wichita Police Department  
City of Wichita

RE: H.B. No. 2055 LP MOTOR FUEL TAX EXEMPTION FOR LAW  
ENFORCEMENT VEHICLES

Chairman Crowell and Members of the Committee:

The Wichita Police Department is a supporter of the provisions in House Bill No. 2055 which would exempt municipal owned vehicles used in law enforcement from the STATE LP MOTOR FUEL TAX LAW.

Since 1981, the Wichita Police Department has used liquefied petroleum fuel in marked police vehicles. Our marked vehicles average between 70,000 and 80,000 miles per year. Our experience in using the LP fuels determined that even when these vehicles exceeded 100,000 miles they continued to emit less harmful emissions than those vehicles operating on gasoline.

Originally, the City experimented with the use of liquefied petroleum for two reasons. The first was that LP fuels burned cleaner and extended the engine life of the vehicle. The second reason was the cost fact which made the conversion to LP fuels attractive.

The continued use of LP fuels in the State of Kansas is environmentally important, however, to encourage the use of these cleaner burning fuels they must also be cost attractive. The cost factor is now reaching the point where the cost of converting the vehicles, taxes, increased cost of the fuel and the limited fueling sites no longer offer a savings to the City of Wichita.

During the last two years, the Wichita Police Department has reduced the number of marked vehicles using LP fuels for one or more of the above reasons.

Passing of House Bill No. 2055 will encourage the City of Wichita to continue to use LP fuels and may even encourage other cities to consider to use of such fuels.

The Wichita Police Department requests your consideration and urges your support of House Bill No. 2055. Thank you.

CR/pc



**KANSAS DEPARTMENT OF REVENUE**  
*Division of Taxation*  
**Robert B. Docking State Office Building**  
**Topeka, Kansas 66625-0001**

*W. H. H. J.*

MEMORANDUM

**TO:** HONORABLE KEITH ROE, CHAIRMAN  
HOUSE COMMITTEE ON TAXATION

**FROM:** MARK WETTIG, SPECIAL ASSISTANT  
DEPARTMENT OF REVENUE

**DATE:** February 1, 1989

**RE:** House Bill 2055

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I appreciate the opportunity to appear before you today on House Bill 2055.

As introduced, this bill would amend the liquid-petroleum motor fuel tax statutes by: 1) excluding municipally-owned vehicles used primarily for law enforcement purposes from the definition of motor vehicles; and 2) exempting bulk sales of LP-gas purchased for use by municipally-owned vehicles used primarily for law enforcement purposes. The effect of these changes is to legally exempt municipally-owned vehicles used primarily for law enforcement purposes from the liquid-petroleum motor fuel tax law.

The other changes in the bill represent technical language corrections.

This legislation would take effect July 1, 1989.

The Department has estimated a loss of \$35,000 for fiscal year 1990 should this legislation be enacted. This estimate is only a rough estimate as the Department does not have figures reflecting how much LP-gas tax can be attributed to law enforcement vehicles.

I would be happy to answer any questions which you may have relative to House Bill 2055.



CINDY EMPSON  
REPRESENTATIVE, EIGHTH DISTRICT  
MONTGOMERY COUNTY  
P.O. BOX 848  
INDEPENDENCE, KANSAS 67301



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: EDUCATION  
LABOR AND INDUSTRY  
LOCAL GOVERNMENT

DATE: FEBRUARY 1, 1989  
RE: H.B. 2053  
TO: REX CROWELL, CHAIRMAN  
MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I HAVE INTRODUCED THIS BILL AT THE REQUEST OF MR. DON RINGEISEN. MR. RINGEISEN IS A CIVIL ENGINEER FOR THE U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT, AND ALSO EXECUTIVE SECRETARY FOR THE NATIONAL WATER SAFETY CONGRESS. APPARENTLY IT IS A GOAL OF THE NATIONAL WATER SAFETY CONGRESS TO PASS LEGISLATION OF THIS TYPE IN EVERY STATE IN THE UNITED STATES.

THIS BILL SIMPLY MAKES IT A REQUIREMENT THAT EVERY PERSON 12 YEARS OF AGE OR YOUNGER WEAR A U.S. COAST GUARD APPROVED LIFE SAVING DEVICE WHILE RIDING IN A BOAT. IT MAKES THE BOAT OPERATOR RESPONSIBLE FOR MAKING SURE THIS IS DONE, AND MAKES THE PENALTY FOR NON COMPLIANCE A MISDEMEANOR SUBJECT TO A FINE OF NOT LESS THAN \$50.00.

ATTACHED TO MY TESTIMONY IS A COPY OF A SURVEY CONDUCTED BY THE CORPS OF ENGINEERS WHICH WAS DISTRIBUTED DURING SEPT. AND OCT., 1987 AT PROJECTS AND FAIRS. ALSO ATTACHED IS A PAGE LISTING DIFFERENT STATE REQUIREMENTS FOR THE WEARING OF LIFE JACKETS. THIS IS A PAGE FROM THE "SMALL CRAFT ADVISORY," WHICH IS A PUBLICATION OF THE NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS. I BELIEVE MY ATTACHMENTS ARE SELF-EXPLANATORY.

THANK YOU FOR ALLOWING ME TO SPEAK IN BEHALF OF H.B. 2053, I'LL BE HAPPY TO ANSWER QUESTIONS.

*[Handwritten signature]*  
ATT. 4

CORPS OF ENGINEERS

TULSA DISTRICT BOATING SURVEY SEPTEMBER-OCTOBER 1987

DISTRIBUTED AT AT PROJECTS AND FAIRS

This year, several water-related multiple fatalities have occurred across the state; and, tragically, some of them have resulted in the loss of life for several children. What is even sadder is the fact that all of these children would be with us today had they been wearing properly fitted personal flotation devices (PFDs). The Corps of Engineers has joined the states of Oklahoma and Kansas in supporting the enactment of a mandatory PFD law applying to children under 12 and riding in boats. The goal is to have this legislation in place by the start of next year's boating season. This same law has been in effect in the state of Texas for many years.

Prior to the enactment of any law or regulation, it is good to know what the public thinks of such a measure. We hope that you will take time to complete the following survey and return it to the Corps of Engineers before you leave or mail the survey along with your comments to: U. S. Army Corps of Engineers, Operations Division, PO Box 61, Tulsa, Oklahoma 74121-0061.

1. Do you think children under the age of 12 should be required to wear a properly fitted PFD while on board a boat? YES or NO. 2,323 answered yes and 119 answered no. (95% yes - 5% no)
2. Do you think there should be some form of operator's license for a boat? YES or NO. 1,377 answered yes and 1,071 answered no. (54% yes - 56% no)
3. Do you think there should be some restrictions on alcohol and operation of a boat? YES or NO. 2,051 answered yes and 389 answered no. (83% yes - 17% no)
4. Do you think there should be a requirement for all occupants of Class A boats (boats under 16 feet in length) to wear PFDs while on board? YES or NO. 1,460 answered yes and 985 answered no. (59% yes - 41% no)
5. Are you an owner or operator of a boat? YES or NO. About three-fourths answered yes and one-fourth answered no.
6. Do you have children under the age of 12? YES or NO. About one-half answered yes and one-half answered no.

**Kansas Fish & Game  
Commission**



Rob Manes  
Wildlife Education Coordinator  
Pratt Headquarters  
Rt. 2, Box 54A  
PRATT, KS 67124

*KC Dist.  
Mike Carey  
Ch. Nat. Res. for  
Ops Div.*

REPRODUCED AT GOVERNMENT EXPENSE

# Personal Flotation Device Wearing Requirements

STATE	YOUTH	WATER SKIERS	OTHERS
Alabama			Within 800 feet below hydro electric dam.
Arizona	Under 12		
Colorado			Operator, crew, all passengers aboard vessel during commercial trip.
Connecticut		Yes	
Delaware	12 and under		
District of Columbia			Everyone under 18 in vessel when 18-year-old or younger is operating.
Kentucky		Yes	
Louisiana	12 and under		
Maryland		Yes	Sailboarder must wear flotation wetsuit in fall and winter.
Massachusetts			Between Sept. 15 and May 15, everyone in canoes and kayaks.
Mississippi	12 and under		
Montana	Under 12		
Nebraska	Under 12		
Nevada		Yes	
New Hampshire	6 and under		
New Jersey		Yes	
New Mexico			Everyone in white water rafts, ice sailboats, surfboards, kayaks, canoes, rubber rafts, air mattress on any waters, and in boats on rivers.
New York		In specified areas	
Ohio	Under 10 in boats under 18 feet		
Oklahoma	12 and under in boats under 27 feet		
Pennsylvania	Under 9 on Fish Commission and State Park lakes		
Puerto Rico	10 and under		
Texas	Under 12		
Utah	Under 12 in vessel under 19 feet or if outside cabin in vessel over 19 feet		Everyone on all rivers except where designated flat must wear Type I or Type III. If carrying passengers for hire on above waters, must wear Type I. Everyone on waterjets or sailboards.
Vermont		Yes	
Virginia		If no observer in boat.	
West Virginia			Everyone on white water.
Washington			Two counties require everyone on boats, inner tubes, etc. on moving water.
States, territories and provinces with no PFD wearing requirements are Arkansas, California, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Missouri, North Carolina, North Dakota, Ontario, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Virgin Islands, Wisconsin and Wyoming.			

*Some states require children to wear personal flotation devices in boats, others require water skiers to wear them, and some states require the wearing of PFDs in specific conditions.*

REPRODUCED AT GOVERNMENT EXPENSE

4-3

*Monte*

H.B. 2053

Testimony Provided to House Transportation Committee

January 31, 1989

Prepared by Kansas Department of Wildlife & Parks

The Kansas Department of Wildlife and Parks has responsibility for administration of the boating program in Kansas. Boating safety is an important component of our boating program.

H.B. 2053 is intended as a safety measure to protect persons 12 years of age and younger. Current law requires a wearable Coast Guard approved lifesaving device on board for each person on board. H.B. 2053 would require the lifesaving device to be worn by persons 12 years of age and younger. The Department supports H.B. 2053.

To conform with E.R.O. #22 which created the Department of Wildlife and Parks, we would recommend that "commission" on line 29 be changed to secretary. We would also recommend the penalty be changed to a class C misdemeanor. This change would be in agreement with penalties as proposed in H.B. 2005 (recodification of the former Park Authority and Fish and Game Commission laws). On line 22, it is suggested that the words "Type I, Type II, or Type III" be inserted before---lifesaving device.