

Approved August 4, 1989  
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at  
Chairperson

8:00 ~~am~~/p.m. on March 3, 1989 in room 526-S of the Capitol.

All members were present except:

Representative Gross

Committee staff present:

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

Conferees appearing before the committee:

Ms. Deb. Miller, Kansas Department of Transportation

The meeting was called to order by Chairman Crowell and the first order of business was discussion concerning recommending the subject matter of driving age and other requirements for a license, for an interim study.

A motion was made by Representative Smith that driving age and other requirements for a drivers' license, be recommended for an interim committee study. The motion was seconded by Representative Lawrence.

The next order of business was on HB-2099 enacting the Kansas Elderly and Handicapped Coordinated Public Transportation Assistance Act.

Ms. Deb Miller, Kansas Department of Transportation, explained suggested amendments to HB-2099 as shown in a balloon. (See Attachment 1)

A motion was made by Representative Blumenthal that the amendments recommended by Ms. Deb Miller be adopted. The motion was seconded by Representative Justice.

A substitute motion was made by Representative Roenbaugh that Line 39 of HB-2099 be changed from 65 years to 60 years of age. The substitute motion was seconded by Representative Lawrence. Motion failed on a division 10-7.

On the original motion to adopt the amendments in the balloon, motion carried.

A motion was made by Representative Blumenthal that HB-2099 be reported favorable for passage as amended. The motion was seconded by Representative Empson. Motion carried.

The next bill taken up was HB-2066 concerning automobile warranties.

A motion was made by Representative Shore that the bill be amended to reference "Your Driving Costs" as published by the American Automobile Association rather than the reference currently in lines 46, 47 and 48 of the bill. The motion was seconded by Representative Lucas. Motion carried.

CONTINUATION SHEET

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A motion was made by Representative Dean that HB-2066 be recommended favorable as amended for passage. The motion was seconded by Representative Lucas. Motion carried.

The next bill taken up was HB-2192 concerning the installation of rumble strips at railroad crossings.

A motion was made by Representative Smith that HB-2192 be recommended favorable for passage. The motion was seconded by Representative Lucas.

Committee discussion ensued.

A substitute conceptual motion was made by Representative Everhart that grooves be used where possible. The substitute motion was seconded by Representative Dean. Motion failed.

Original motion passed.

The next bill taken up was HB-2328 concerning incentives and penalties for performing work at certain locations.

Representative Smith discussed a balloon with suggested amendments to HB-2328. (See Attachment 2)

A motion was made by Representative Smith that the last three suggestions in the balloon be adopted. The motion was seconded by Representative Dillon. Motion carried.

A motion was made by Representative Smith that the first portion of the amendment suggested in the balloon be adopted. The amendment would delete "an incorporated city and" and insert in lieu thereof, "a city of the first-class". The motion was seconded by Representative Everhart.

A substitute motion was made by Representative Freeman that cities of the second and third class be added to the amendment. Motion died for lack of a second.

The motion to utilize the amendment recommended in first portion of the balloon failed.

A motion was made by Representative Dillon that HB-2328 be recommended as amended favorable for passage. The motion was seconded by Representative Wilbert. Motion carried.

The next bill taken up was HB-2483 concerning standards for vision examinations for drivers' licenses.

Bruce Kinzie briefed the Committee on HB-2483.

A motion was made by Representative Lucas that HB-2483 be amended to reflect use of the correct KAR. The motion was seconded by Representative Russell. Motion carried.

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A motion was made by Representative Dean that in Lines 24, 26 and 27, that "vision specialist" be changed to read "optometrist or ophthalmologist". Also, that "as determined by an ophthalmologist or optometrist" be inserted after the word "lens" in Line 28. Also that the words "in order" be stricken in Line 28. The motion was seconded by Representative Lucas. Motion carried.

A motion was made by Representative Lucas that HB-2843 be recommended as amended favorable for passage. The motion was seconded by Representative Dillon. Motion carried.

The next bill taken up was HB-2238 concerning vehicle identification numbers. Bruce Kinzie briefed the Committee on the bill.

A motion was made by Representative Russell that Section 1(a) be split into two parts making the "unlawful sale, barter or exchange" portion a class E felony and the "own, have custody or possession" portion a class C misdemeanor. The motion was seconded by Representative Smith. Motion carried.

A motion was made by Representative Russell that HB-2238 be recommended favorable as amended for passage. The motion was seconded by Representative Empson. Motion carried.

The next bill taken up was HB-2320 concerning the Kansas Contractor Development Act. Chairman Crowell suggested extending the sunset and going back to "may" in Line 22.

A motion was made by Representative Justice that HB-2320 be amended to read "may" in Line 22. The motion was seconded by Representative Everhart. Motion carried.

A motion was made by Representative Justice that HB-2320 be recommended favorable as amended for passage. The motion was seconded by Representative Lawrence. Motion carried.

The next bill taken up was HB-2149 concerning the rate of taxation on motor vehicles. Chairman Crowell said there had been suggestions to recommend HB-2149 for an interim study.

A motion was made by Representative Dean that HB-2149 be recommended for interim study. The motion was seconded by Representative Dillon. Motion carried.

The next bill taken up was HB-2197 concerning lending agency dealer plates. The Chairman recommended that no action on the bill be taken.

The meeting was adjourned at 9:10 a.m.

  
Rex Crowell, Chairman



HOUSE BILL No. 2099

By Representatives Pottorff and Sader

1-25

15 AN ACT enacting the Kansas elderly and handicapped coordinated  
16 public transportation assistance act.  
17

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

19 Section 1. This act shall be known and may be cited as the  
20 Kansas elderly and handicapped coordinated public transportation  
21 assistance act.

22 Sec. 2. It is declared to be the purpose of this act to provide  
23 ~~coordinated~~ financial and administrative assistance to transportation  
24 systems which provide transportation services to the elderly and  
25 handicapped ~~on a nonprofit basis~~.

26 Sec. 3. When used in this act:  
27 (a) "Transportation system" means all public and private ~~nonprofit~~  
28 transportation providers which provide public transportation services  
29 to the elderly and handicapped ~~on a nonprofit basis~~, and which  
30 receive federal, ~~state or local fiscal support~~.

31 (b) "Transportation" means the movement of individuals in a four  
32 or more wheeled motorized vehicle designed to carry passengers.  
33 Transportation does not include emergency or school transportation.

34 (c) "Coordination" means where programmatically feasible, all  
35 entities involved in administrating and/or providing transportation  
36 and related services to the elderly, handicapped, and general public  
37 will work together in a smooth, concerted effort to effectively use  
38 resources and alleviate duplication of services.

39 (d) "Elderly" means those persons ~~75~~ years of age or older.

40 (e) "Handicapped" means those persons determined by the  
41 partment of transportation to be disadvantaged in terms of the trans-  
42 portation services available to them due to physical or mental  
43 handicap.

coordinated

Support through Section 9, Section 14(b)(2), or Section 18 from the U.S. Department of Transportation, Urban  
Mass Transportation Administration.

and meals

60

A.F.F. /

44 (f) "Public transportation services" means those services acces-  
45 sible to the general public elderly and handicapped community.

46 (g) "Department" means the Kansas department of  
47 transportation.

48 (h) "Secretary" means the secretary of the department of trans-  
49 portation or designee.

50 ~~(i) "Plan" means the state management plan, as developed by~~  
51 ~~the department and approved by urban mass transportation admin-~~  
52 ~~istration, which is a set of guidelines and procedures formulated to~~  
53 ~~aid in coordination efforts of the rural public transportation program,~~  
54 ~~section 16(b)(2) and section 18.~~

55 Sec. 4. This act establishes the elderly and handicapped coord-  
56 inated public transportation assistance fund in the state treasury.  
57 Any expenditures from the fund shall be for the coordinated de-  
58 velopment, improvement or maintenance of transportation systems  
59 for elderly or handicapped persons under this act.

60 Sec. 5. On July 1, 1989, the director of accounts and reports  
61 shall transfer \$390,000 from the state general fund to the elderly  
62 and handicapped coordinated public transportation assistance fund.

shall

63 Sec. 6. The secretary ~~may adopt rules and regulations to~~ develop  
64 a plan establishing guidelines for the implementation of this act.

65 Sec. 7. (a) The secretary shall administer and allocate funds ap-  
66 propriated under this act for the purpose of providing financial and  
67 administrative assistance to transportation systems.

68 ~~Allocation of funds shall be determined through a formula which~~  
69 ~~takes into account the elderly and handicapped population in each~~  
70 ~~geographic area, and to a lesser extent the square miles covered by~~  
71 ~~each area.~~

72 (b) ~~After determination of formula allocation,~~ the secretary shall  
73 determine the eligibility of each applicant.

74 The following criteria shall be used in determining eligibility:

75 (1) Whether the proposal serves the transportation needs of the  
76 elderly and handicapped citizens of the proposed service area;

77 (2) whether resources for transportation services are utilized in  
78 an effective and efficient manner;

79 (3) whether duplicative and inefficient administrative costs and  
80 transportation services are avoided.

2-1

shall

81       Sec. 8. (a) Upon notice that no concerted effort toward coordi-  
82 nation has been undertaken within a geographic area, the department  
83 ~~will~~ withhold funds allocated under this act.

84       (b) The secretary shall establish an appeal process to allow those  
85 areas determined not to be in compliance, or those agencies dis-  
86 satisfied with the recommendations of their respective area councils,  
87 an opportunity for a timely hearing before the secretary, according  
88 to the administrative procedure act.

89       Sec. 9. This act shall take effect and be in force from and after  
90 its publication in the statute book.

44 *such* contractor or contractors shall pay all indebtedness incurred for  
 45 supplies, materials or labor furnished, used or consumed in con-  
 46 nection with or in or about the construction of the project for which  
 47 the contract has been let, including gasoline, lubricating oils, fuel  
 48 oils, greases, coal and similar items used or consumed and used  
 49 directly in carrying out the provisions of the contract: *Provided,*  
 50 ~~That~~. When such bond has been so approved by and filed with the  
 51 secretary of transportation, no mechanic's lien shall attach by reason  
 52 of the failure of the contractor or contractors or subcontractor or  
 53 subcontractors of ~~said~~ *such* contractor or contractors to pay for or  
 54 make settlement for the items covered by this act: *Provided further,*  
 55 *except* that any person to whom there is due any sum for labor or  
 56 material or for any item covered by this act or ~~his or her~~ *such*  
 57 *person's* assigns, may bring an action on ~~said~~ *the* bond for the  
 58 recovery of ~~said~~ *such* indebtedness and ~~said~~ *the* suit may be brought  
 59 in any county in the state where any part of ~~said~~ *the* contract has  
 60 been performed: *Provided further,* ~~That no such~~. No action shall  
 61 be brought on ~~said~~ *the* bond unless within six (6) months after the  
 62 completion date of ~~said~~ *the* contract, according to the records of the  
 63 secretary of transportation, there be filed with the secretary an item-  
 64 ized statement of the amount of such indebtedness, which itemized  
 65 statement must be sworn to and acknowledged before a notary public  
 66 or other officer authorized to administer oaths: *Provided, That*. No  
 67 action shall be brought on ~~said~~ *the* bond after one (1) year from  
 68 the completion date of ~~said~~ *the* contract: *Provided further,*. The  
 69 provisions of K.S.A. 60-1111, and amendments thereto, shall not  
 70 apply to contracts made by the secretary of transportation.

71 (b) A contract entered into by the secretary to perform work on  
 72 a highway located in ~~an incorporated city and~~ abutting property  
 73 which is zoned for commercial use/shall contain incentive provisions  
 74 for early completion of the contract and ~~penalty~~ provisions for late  
 75 completion of the contract. ←

76 Sec. 2. K.S.A. 68-410 is hereby repealed.  
 77 Sec. 3. This act shall take effect and be in force from and after  
 78 its publication in the statute book.

a city of the first-class,

and having a project completion time in excess of one month

disincentives

The provisions of this subsection shall not apply if federal restrictions would require otherwise.

11-1-2