

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

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

9:02 a.m./~~p.m.~~ on March 20, 1989 in room 254-E of the Capitol.

Members present:
Senators Morris, Doyen, Francisco, Hayden, Kanan, F. Kerr, Rock, Sallee, Thiessen and Vidricksen.

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:
Rebecca Rice, Kansas State Ophthalmological Society
Gary Robbins, Kansas Optometric Association
Mark Wettig, Department of Revenue
Rep. Donna L. Whiteman
Norman L. Reynolds, Kansas Association of School Boards
Rob Tabor, Legislative Aide to Rep. Heinemann
Rep. Jim Lowther
Mary Turkington, Kansas Motor Carriers Association

Hearing on H.B. 2483 - Vision standards for driver's licenses.

Bruce Kinzie explained the bill to the committee. It was brought about when an individual was denied the renewal of a driver's license because he did not meet the vision standards required by rules and regulations, but he had been a good driver.

Rebecca Rice, Kansas State Ophthalmological Society, said they support the concept that there should be some leeway for the Department of Revenue to determine those instances when an individual with vision of 20/60 or less could be granted restricted driving privileges. This legislation would grant the department the authority to make judgment calls which they are not allowed to make at the present time. A copy of her statement is attached. (Attachment 1).

Gary Robbins, Kansas Optometric Association, said they support the bill and had an amendment on line 34 which would read "or less in the better eye." The intent was so that in individual with 20/20 in one eye and 20/60 in the other would not be subjected to a drive test. A copy of his statement is attached. (Attachment 2).

Mark Wettig, Department of Revenue, addressed that portion of the bill dealing with vision requirements. He said they would need definitions for the Department and this would affect approximately 10,000 drivers. The Department would need approximately 4 more license examiners and the cost would be approximately \$109,000. (Attachment 3).

Rep. Donna L. Whiteman, had the education portion of this bill amended into H.B. 2483 on the floor of the House. It would deny a driver's license to persons under the age of 18 if they drop out of school. A copy of her statement is attached. (Attachment 4). The committee discussed this portion of the bill and felt perhaps it was a negative approach. Rep. Whiteman said this would be one more incentive to keep them in school and it was an additional tool.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:02 a.m./p.m. on March 20, 1989.

Norman L. Reynolds, Kansas Association of School Boards, said they were opposed to Section 2 of the bill because mandatory attendance in school stops at age 16. There is also inconsistency in the present truancy law and truancy as defined in HB 2483. There was concern about liability. They requested that Section 2 be completely removed from the bill. A copy of his statement is attached. (Attachment 5).

Hearing on H.B. 2159 - Securing loads on vehicles.

Rob Tabor, legislative aide to Rep. Heinemann, explained the bill and said officers have been receiving complaints that drivers of vehicles are not cleaning their trucks as required and there are enforcement problems.

Rep. Jim Lowther said he supports the bill. It costs about \$40 to clean a truck and the drivers don't want to clean it out. He said if they are cleaned out periodically there should not be any spillage. He has received letters from IBP that they have issued warnings to people doing the hauling and informed them that they should do what they could to avoid spills. The language in this bill would give city police a better chance to enforce spillage problems. The bill was drafted to give leeway as to whether the haulers needed to clean daily, weekly or whenever necessary to avoid problems.

Mary Turkington, Kansas Motor Carriers Association, said they support provision to insure there are no spillage problems. They support passage of this bill. (Attachment 6).

A motion was made by Sen. F. Kerr that H.B. 2159 be recommended favorably for passage and be placed on the Consent Calendar. Motion was seconded by Sen. Thiessen. Motion carried.

A motion was made by Sen. Sallee that Minutes of March 16, 1989 be approved. Motion was seconded by Sen. Francisco. Motion carried.

Meeting was adjourned at 10:00 a.m.

**TESTIMONY TO THE
SENATE TRANSPORTATION COMMITTEE**

ON

Monday, March 27, 1989

HOUSE BILL 2483

Mr. Chairman and Members of the Committee:

My name is Rebecca Rice and I represent the Kansas State Ophthalmological Society. We appear in support of HB 2483 as it was amended by the House Committee. The original form of HB 2483 addressed vision standards for drivers licenses only and I will address only that portion of the bill. The Kansas Ophthalmological Society has no position on the balance of the legislation as it was amended on the House floor.

The Ophthalmological Society supports HB 2483 bill in conjunction with the Kansas Optometric Association whose written testimony has been distributed to you. The Ophthalmologists and optometrists have for several years expressed support for the concept of allowing some leeway for the Department of Revenue to determine those instances when an individual with vision of 20/60 or less could be granted restricted driving privileges.

The present law does not allow anyone with a vision of 20/60 or less in their best eye to be granted driving privileges. A committee which is referred to as the MD/OD Committee was created for the purpose of establishing recommended guidelines for allowing restricted licenses under certain vision conditions. I have attached the report created by this committee which is more extensive than the bill you are considering. However, we believe that HB 2483 comes very close to adequately addressing the problem

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of those individuals who should be allowed to have limited driving privileges but are now barred by the strict application of the present law.

It is the opinion of my members that there are individuals, especially young people who have 20/60 or less vision, who have the ability to drive safely under certain conditions. However, these individuals are prohibited from driving under any conditions. This certainly restricts their ability to maintain employment and otherwise function in society because of the arbitrariness of the law which does not allow any driving privileges regardless of the recommendation of an optometrist or ophthalmologist or the results of a driving test, should one be given.

This legislation would grant the department the authority to make judgment calls which they are not allowed to make at the present time. This legislation does not allow the optometrists or the ophthalmologists to make the decision as to whether the individual will be granted driving privileges, but simply gives an individual who does not have 20/60 vision the right to ask for a driving test to prove they are capable of driving under certain conditions. We would ask for your support of the bill as it was amended by the House committee and ask that you support the amendment proposed by Gary Robbins on behalf of the Kansas Optometric Association.

Thank you, Mr. Chairman.

Recommendations and suggestions of the M.D.-O.D. Committee Meeting, December 9, 1985 in Hutchison, Kansas, to Mr. Robert Bugg, Director of Motor Vehicles Department of Kansas and his Medical Advisory Committee concerning the licensing of Kansas Drivers with impaired vision.

Becky
Dice

STATEMENT

There is a need in the State of Kansas to provide an opportunity for drivers with recorded vision less than 20/60 in the better eye with or without corrective lens (present Kansas law) to demonstrate their ability to drive a motor vehicle to a trained examiner.

RECOMMENDATIONS

A driver with visual acuity from 20/70 up to and including 20/200 in the better or both eyes with correction be permitted to demonstrate their ability to drive a motor vehicle with the following provisions:

1. A letter of recommendation to the Motor Vehicle department from a physician or optometrist that includes: a) the best visual acuity in each and both eyes, b) a diagnosis of the cause of the reduced vision, and c) specific recommendations as to any driving restrictions (e.g. day time only driving) or no restrictions be sent to the Director of the Kansas Motor Vehicle Department.
2. The Medical Advisory Committee of the Motor Vehicle Department to review the information and make a recommendation that a driving test should or should not be given.
3. The person who administers the driving test should have special training in the examination of persons with visual impairment and will know the driver being examined is visually impaired.
 - a) The drivers examiner may refuse to administer a driving test if, in their opinion, this would endanger the driver, examiner or the public.
 - b) The examiner will send a written report to the Medical Advisory Committee of the Motor Vehicle Department with specific recommendation as to whether a license is to be issued and any restrictions.
4. The Medical Advisory Committee will then provide the Director of Motor Vehicles a specific recommendation concerning the type of license that may be issued.
5. The final decision concerning the issuance of a drivers license will be made by the Director of Motor Vehicles or his designate.

SUGGESTIONS

1. Three types of drivers licenses be issued:
 - a) Unrestricted
 - b) Restricted - 20/40 to 20/60
 - i) Day time only avoiding heavily traveled roads
 - ii) Highly restricted - Farm to home, shopping, church, etc. Daytime only in off hours. Restricted to communities of 25,000 or less.
2. Person with restricted license must send yearly vision report to Medical Advisory Committee for renewal of drivers license. If vision is unchanged for three years the Medical Advisory Committee may modify the yearly report.
3. The primary evidence for the issuance of a drivers license to persons with 20/70 to 20/200 vision will be in the recommendation of the examiners evaluation of the driving performance. A person requesting this special testing will be responsible for any expenses necessary to go to a regional area where trained examiners are available.
4. The establishment of a visual sub-committee to work under the Medical Advisory Committee consisting of at least 2 ophthalmologists and 2 optometrists (one member, a Low Vision specialist) would be desirable. At this time the M.D.-O.D. Committee of Kansas (members from the Kansas Optometric Association and the Ophthalmology Section of the Kansas Medical Society) would be able to recommend these members to the Director of Motor Vehicles.
5. The M.D.-O.D. Committee of the KOA-KMS will be willing to provide guidelines and train the special examiners for the Motor Vehicle Department.

SPECIFIC RECOMMENDATIONS

1. The present Kansas drivers license law not be changed at this time, if possible.
2. The suggested change for drivers with 20/70 to 20/200 vision be established with careful monitoring of the driver for:
 - i. Motor Vehicle violation
 - ii. Accidents
 - iii. Personal injury accidents
 - iv. Driving reports at least every 4 to 6 months to Motor Vehicle Department.

3. Establish a Committee of the ophthalmologist and optometrist on the Medical Advisory Committee of the Motor Vehicle Department, the subcommittee of ophthalmologists and optometrists and a lay representative of the Motor Vehicle Department selected by the Director of Motor Vehicles to study in detail and make recommendations to the Director of Motor Vehicles on the following:
 - a) Legislation in other States in reference to vision
 - b) The Role of Bioptic Telescopic Lenses
 - c) The significance of Visual Field defects and how to obtain information.
 - d) Review of the driving records of drivers in Kansas with restricted licenses.
 - e) Provide a detailed; written report to the Director of Motor Vehicles in a period not to exceed three years with specific recommendation for changes in Kansas Drivers License laws.

Kansas Optometric Association

400 Kansas Ave. Suite A, Topeka, KS 66603
913-232-0225

TESTIMONY ON HOUSE BILL 2483
BEFORE THE SENATE TRANSPORTATION COMMITTEE
March 20, 1989

Thank you, Senator Morris, for allowing the Kansas Optometric Association to submit written comments on House Bill 2483 since I have a commitment out of state. My name is Gary Robbins, Executive Director of the Kansas Optometric Association, and I represent optometrists practicing across the state of Kansas. We are in support of House Bill 2483 as it was passed by the House Transportation Committee. We are proposing one technical change to which we hope the committee will give serious consideration. In subsection (c), we propose inserting on line 34 after 20/60 the following language "or less in the better eye."

Subsection (c) would then read: The driver's license examiner shall require each individual with a reading of 20/60 or less in the better eye, with or without corrective lens, to submit to a driver's test. ~~for the proper restrictions.~~

This change clarifies that an individual with 20/20 in one eye and 20/60 in the other would not be subjected to a drive test.

Optometrists examine patients on a regular basis whose vision is borderline. These patients may fail the vision portion and have no opportunity to demonstrate their ability to drive. These individuals have the vision to drive safely, and the drive test can demonstrate this fact. A copy of House Bill 2483 as it passed the House Committee is attached.



Affiliated with
American Optometric Association

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HOUSE BILL No. 2483

By Committee on Transportation

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AN ACT relating to drivers' licenses; concerning standards for vision examinations.

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

Section 1. Each driver's license examiner shall use the following vision standards for driver's license applicants:

(a) Each applicant testing 20/40 or better in ~~each~~ at least one eye ~~separately~~ at the examination station shall meet the vision requirements. The driver's license examiner shall give each applicant failing to meet this test a vision form and refer the applicant to a ~~vision specialist~~ an ophthalmologist or optometrist of ~~their~~ the applicant's choice.

(b) Each applicant who has received a vision report from a ~~vision specialist~~ an ophthalmologist or optometrist shall have 20/60 or better vision in at least one eye, with or without corrective lens, ~~in~~ order as determined by an ophthalmologist or optometrist to be eligible to be issued a driver's license.

(c) The driver's license examiner shall require each individual with a reading of 20/60 ~~or less~~ in at least one eye, with or without corrective lens, to submit to a driver's test ~~for the proper~~ restrictions.

(d) An applicant failing to meet any of the above standards may be issued a driver's license if the applicant can demonstrate that the applicant can safely operate a vehicle and has had a good driving record for the previous three years. The division may impose reasonable restrictions on such license, as provided in K.S.A. 8-245, and amendments thereto.

(e) An applicant failing to meet the standards in subsections (a) through (d) shall be afforded a hearing in the manner prescribed by

45 subsection (c) of K.S.A. 8-255, and amendments thereto.

46 Sec. 2. This act shall take effect and be in force from and after
47 its publication in the statute book.

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MEMORANDUM

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

FROM: Mark E. Wettig
Special Assistant to the Secretary

DATE: March 20, 1989

SUBJECT: House Bill 2483

I appreciate the opportunity to appear before this committee today to discuss House Bill 2483.

BACKGROUND

House Bill 2483 deals with two subjects, education requirements and vision requirements for driver license purposes.

The education requirements provide that the Department shall not issue a license or instruction permit to an individual under 18 years of age who does not have a high school diploma. A license or instruction permit may be issued if there is documentation that the individual: (1) is enrolled in a GED program; (2) is enrolled in a secondary school; or (3) is excused from this requirement due to circumstances beyond the person's control. The bill also provides for notification of the Division of Vehicles upon withdrawal of a student from school. The Division will in turn notify the licensee of a suspension of driving privileges.

in 30 days of the notice date, unless proper documentation is received.

The vision requirements of this bill are the same as the Department's current administrative regulation, KAR 92-52-1, which are:

- 20/40 or better in at least one eye, with or without corrective lense at station.
- 20/40 to 20/60 in at least one eye, with or without corrective lense needs vision report from specialist.
- 20/60 is required to submit to drive test - restrictions available under K.S.A. 8-245.

except that paragraph (d) in Section 1 provides for the issuance or renewal of a driver license to any person regardless of eyesight if two prerequisites are met:

- 1) the person can "demonstrate the ability to safely operate a motor vehicle, and
- 2) the person has a "good driving record for the previous three years"

RECOMMENDATIONS

1. Define 1) and 2) above
2. Set a cut off point for vision requirements, after which 1) and 2) above would not apply.

Thank you.



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HOUSE OF
REPRESENTATIVES

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JOINT COMMITTEE ON ADMINISTRATIVE
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CALENDAR AND PRINTING
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GOVERNOR'S ADVISORY COMMISSION
ON JUVENILE OFFENDERS

DONNA L. WHITEMAN

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TESTIMONY

SENATE TRANSPORTATION COMMITTEE ON HB 2483I. INTRODUCTION

In 1988, 27,036 Kansas students graduated from Kansas High Schools. However, for 5,105 Kansas students there was no graduation ceremony, no diploma, no celebration of an achievement and no future dream of a better life. In 1987-1988 5,105 high school students dropped out of school at the following grade levels:

Ninth Grade	753
Tenth Grade	1,460
Eleventh Grade	1,605
Twelfth Grade	<u>1,287</u>
	5,105

In this figure is an average during this decade, the 1980's, approximately 40,840 Kansas high school students who have terminated their high school education careers.

HB 2483 is patterned after a West Virginia law to curb the high school dropout rate. West Virginia is the first state to adopt a law allowing the Department of Motor Vehicles to revoke the driver's license of students between the ages of 16-18 who drop out before graduating.

In a six month period the department has notified 363 dropouts that their licenses will be revoked if they do not enroll in school or a G.E.D. equivalency. About one-fourth of those kids have gone back to school. West Virginia schools annually have a dropout rate of 19% or an estimated 5,000 students. The law requires students to show proof of enrollment when applying for a learners permit.

Most teens who called about the program are willing to re-enroll or get a G.E.D. About 20 hardship cases have been excused. These require a letter from the school District Superintendent stating the necessity of a dropout keeping a license.

II. SUMMARY OF HB 2483A. New Section 2:

- (a) Department of Motor Vehicles shall deny license or instruction permit to anyone under 18 who does not present diploma or other graduation certificate or documentation that :

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- (1) Has obtained a G.E.D. or is enrolled and making satisfactory progress in a G.E.D. course.
 - (2) Enrolled in secondary school.
 - (3) Excused from such requirement due to circumstances beyond persons control.
- (b) Upon application for or reinstatement of instruction permit or license, Principal shall provide documentation of enrollment status.
- (1) If student over 14 withdraws from school Principal shall notify Department of Motor Vehicles:
 - (a) within 5 days D.M.V. shall send notice that license will be suspended on 30th day unless documentation of compliance is received.
 - (b) withdrawal defined as more than 10 consecutive or 15 days total unexcused absences.
 - (c) no notice of suspension sent if withdrawal is beyond control of student or for purpose of transfer.
 - 1) suspension, expulsion from school, imprisonment, is not circumstance beyond control of student.
 - 2) Superintendent is sole judge of whether withdrawal is due to circumstance beyond control.

B. Section 3 Amends K.S.A. 8-237

Division of vehicles shall not issue any driver's license to any person:

- (a) Under age of 16, Division may issue restricted Class C or D license to anyone between 14-16 upon written application of parent/guardian and presentation of documentation in Section I.
 - 1) Adds failure to comply with Section I as 4th reason
Restricted license can be suspended. Current law allows
restricted license to be suspended when:
 - a) violate restriction
 - b) involved in 2 or more accidents chargeable to licensee.
 - c) recommendation of chief law enforcement officer.
- (b) Adds subsection (h) to prohibit issuance of driver's license to anyone under 18 who has not complied with Section I.

C. Section 4 Amends K.S.A. 8-239

Instruction Permits.

- (a) Person 14 may apply for a 6 month instruction permit as long as he/she presents compliance with subsection I documentation and has written application of parent or guardian.

- (b) Division upon receipt of application and documentation can issue restricted instruction permit effective for 1 year or more to applicant 14 who is enrolled in driver's education program.

HB 2483 provides some incentive for high school students to stay in school or at least achieve their General Educational Development Certificate (G.E.D.)

III. SUMMARY

As State Legislators we must assume a leadership role in creating a positive educational environment for the next generation of Kansas youth. We must discourage activities and decisions which foster a continued state of dependency and delinquency.

The state and local school districts must join together in a concentrated effort to keep more students in school until graduation and to increase their basic academic skills while in school. Old patterns of doing business are no longer acceptable - we can do better in Kansas to encourage those 5,105 students who annually drop out of Kansas schools.

Many significant changes are needed if we are to address the problems associated with high school dropouts. Changes include early childhood education, home-based programs, family life skills, alternative educational programming, child care and encouraging students to stay in school. The decision is ours. Kansas citizens can continue to pay taxes for the public sector to develop and build bigger and better prisons for those individuals who do not succeed in our educational system. Or we can choose to pay taxes for public and private sector development of quality education, career employment and those other services that present positive learning alternatives and incentives to students to stay in school and complete their basic education.

Teenagers who drop out of school pay a high cost in future employment opportunities. Taxpayers pay a high cost when they are forced to deal with the social and economic problems created by high school dropouts.

The statistics indicate that 80% of the inmates at K.S.P. are high school dropouts.

This bill provides an incentive to encourage high school students to remain in school and thus helps to prevent some of the social and economic problems which result from teenagers dropping out of school.

I encourage you to support HB 2483.



New Leadership

■ Lt. Gov. Robert J. Miller became Nevada's acting chief executive Jan. 3 when Gov. Richard Bryan, a fellow Democrat, was sworn in as U.S. senator.

Bryan, president of The Council of State Governments in 1987, unseated Republican incumbent Chic Hecht.

Miller will serve the remaining two years of the unfinished gubernatorial term. He took office in January 1987 after serving two terms as Las Vegas district attorney. He is a graduate of Loyola Law School, Los Angeles.

Law Enforcement

■ Teens in Oklahoma and West Virginia will find themselves relinquishing their drivers licenses if they run afoul of new laws. The laws were enacted to curb the dropout rate in West Virginia and teenage use of drugs and alcohol in Oklahoma.

West Virginia is the first state to adopt a law allowing the Department of Motor Vehicles to revoke the driver's licenses of students aged 16 to 18 who drop out before graduating. Since July, the department has notified 353 dropouts that their licenses will be revoked if they do not enroll in school or a GED (General Equivalency Diploma) program. About one-fourth of those teens have gone back to school, according to Cindy Hunt of the department's safety and enforcement division.

She estimated that some 5,000 students or 19 percent drop out of West Virginia high schools annually. Not all are licensed drivers. The law, which is retroactive two years, requires that students show proof of enrollment when applying for a learner's permit.

Hunt said most of the teens who have called about the program are willing to re-enroll or get a GED. About 20 hardship cases have been

excused. These require a letter from the school district superintendent stating the necessity of a dropout keeping a license.

Oklahoma's new law takes away licenses of drivers under age 17 who are convicted for possession, use or abuse of drugs or alcohol. "It gives them a reason to say 'no,'" explained state Rep. Carolyn Thompson, House author of the legislation.

Under the law, which took effect Nov. 1, 1988, the licenses of first-time offenders could be suspended for up to one year (three months is mandatory for all offenders), and a second offense could result in a two-year suspension. A drug- or alcohol-related conviction can mean a minimum one-year delay in getting a license. Oklahoma allows learner's permits at age 15.

The Oklahoma law is patterned after a similar measure in Oregon which became law in 1983. Doug Allen, with Oklahoma's attorney general's office, said a study in Oregon showed a 17 percent reduction in alcohol-related driving arrests for juveniles under 18 from 1982 to 1984. The study showed a 12 percent reduction overall in liquor law violations in that age group and a 22 percent reduction in drug arrests.

Legal services

■ Maryland's assistant attorneys general are providing free legal help for some of the state's poor under a new program thought to be unique in the country.

Maryland Attorney General J. Joseph Curran Jr. partially lifted a longstanding ban on the private practice of law by assistant attorneys general to allow creation of the pro bono program. Pro bono, an abbreviated version of the Latin legal term pro bono publico which means "in the public interest," is often used to describe free legal services.

Creation of the program was prompted by a Maryland legal panel's call for more lawyers to donate

services to the poor. Of the 300 eligible attorneys, 125 have volunteered.

An eight-member committee headed by Deputy Attorney General Dennis M. Sweeney is screening the legal cases sent to the attorney general's office and referring them to attorneys who have volunteered to handle them. Cases — all civil — will include those for which poor people frequently seek legal help, such as court protection for a battered spouse, wills and powers of attorney, landlord-tenant disputes, AIDS-related cases and uncontested divorce cases that don't involve requests for financial support.

Sweeney said about 10 clients have been assigned to attorneys thus far. In the next six months, he expects the caseload to level out between 50 and 100 cases at a time.

The pro bono representation must be undertaken in addition to full-time responsibilities. Secretaries and other support staff may assist lawyers volunteering their time within carefully observed limits. The program was set up to avoid any apparent or actual conflicts of interest, according to Sweeney.

FYI

■ The Advisory Council on Historic Preservation will be offering 14 training sessions in 13 cities this year. The course teaches federal, state, local and tribal officials and contractors the basics of the federal historic preservation project review process.

The sessions are scheduled: Jan. 24-26, Washington D.C.; Feb. 7-9, Dallas; Feb. 28-March 2, Mobile, AL; March 14-16, Santa Fe; April 4-6, Boise, ID; April 25-27, Raleigh, NC; May 2-4, Anchorage, AK; May 16-18, San Bernardino, CA; May 31-June 2, Boston; June 13-15, Omaha; June 27-29, San Francisco; July 12-14, Washington D.C.; Aug. 1-3, Portland, OR; Sept. 11-13, Chicago.

For information, write GSA Training Center, Box 15608, Arlington, VA 22215. Attention: Peggy Sheelor. □

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W. VA. LAW RETURNS DROPOUTS TO CLASS

Attendance is up in West Virginia high schools, dropouts are down and fewer kids are cutting classes.

The reason, suggests Therese Wilson, unit coordinator for student support services in the state superintendent's office, may be a relatively recent West Virginia law that penalizes high school dropouts, and students who cut classes, by suspending their drivers' licenses.

Under the law, young people under the age of 18 who drop out of school, or who accumulate more than 15 days of unexcused ab-

sences during the school year, can be denied the right to get a driver's license or may have their existing licenses suspended. The law, which was considered by several other states last year (*see GOVERNING, April 1988, p. 12*), is being looked at by several again this year.

Since the law passed last summer, more than 350 West Virginia students have had their drivers' licenses suspended because they dropped out of school, and more than one-fourth of them have returned to classrooms, state officials say.

In Morgan County, school Superintendent Dwight Dials says, the dropout rate was cut in half: The county had 25 high-school students drop out during the first two months of school last year but only 11 this year. In

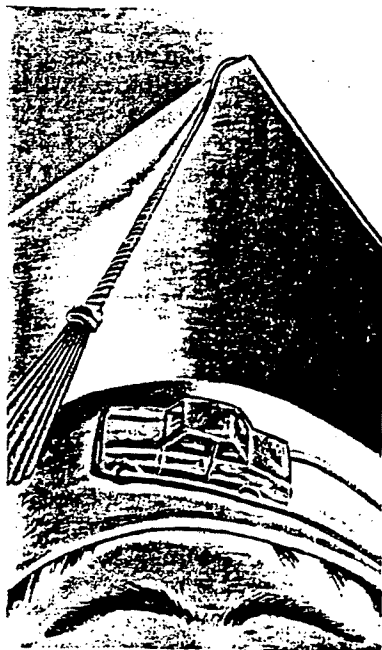
addition, 17 of last year's student dropouts re-entered either high school or adult education classes in pursuit of high school equivalency diplomas. That is about eight times as many teenage school dropouts returning to some form of education as the county experienced previously.

Dials attributes the improved situation to both the law's negative incentive and some positive changes in the school envi-

ronment. "We've worked hard at being a more inviting place and at providing positive reasons for students to be here. You can't

say for sure what's working and what isn't, but certainly for some kids, negatives work better than positives." —P.L.

Rep. Donna L. Whiteman



Winfield Scott School

10th and Eddy
Fort Scott, Kansas 66701-2597

RICHARD A. WERLING, Principal

(316) 223-0450



Penelope S. Province
Winfield Scott School
10th and Eddy
Fort Scott, Kansas 66701

2-27-89

Dear Rep. Whiteman:

While in Topeka last Monday with my daughter (who was a page), I was shown House Bill No. 2343. Because of my profession as an educator, I was interested in what you were proposing. I work with a group of fourth and fifth graders in the area of reading and I thought it would be fun (as well as enlightening) to discover how they felt about the bill. Their responses were not what I expected and I wanted to share them with you because all of us need positive feedback in any form we can get it!!!

The "carrot" idea is great, in my opinion, because what else is of most importance to our teenagers than getting and being allowed to drive "a set of wheels" and what is more important for them and our future than getting them educated and prepared for tomorrow? Anything that can keep our youth in school has my support!

If your time permits, please keep us informed as to what happens to #2343! You have our interest!!

Sincerely,

Penelope S. Province (1)

Pennie Province
Resource Room Teacher for GTC

I agree with the bill because it encourages students to stay in school and they will learn more than if they skip school. It encourages students to work and not play and it also helps them to know driving is a privilege and not a right.

-Jeremy Braker (fourth grade)

I think you should have to have a diploma to get a licence because it might lower the population of drop-outs. I think the streets would also be a safer place because some drop-outs are on drugs or alcohol which causes wrecks.

I agree with lines 53 and 54 because it says: "...imprisonment in a jail or a penitentiary is not a circumstance beyond the control of such person." I can choose whether or not I go to jail by doing good or bad. If you are caught--then it is beyond your control--but you made that choice.

-Micha Kilburn (fifth grade)

I agree absolutely with this bill. I think that people should have to go to school or should have gone to school to be able to drive. If people drop out of school or skip school and they have a car to drive, they would probably be driving around and causing trouble. Besides, if people know that they won't be able to drive if they don't go to school--they will probably stay in school. As a result, the drop out rate will probably go down and more kids will get a good education.

-Angie Brown (fifth grade)

I agree with this bill because I think any person without an education should not be allowed to have a license to drive. We don't want them to think that driving is a right, not a privilege. I do agree in lines 36-37 that anyone 14 years of age should have an adult with a class A, B, or C license to drive with them. I also agree that they should take the most direct route to and from school and work. I also agree that anyone that gets below a C in Driver's Ed. should not be able to get a license because they didn't get most of the stuff right if they got below a C so they can't really know it to be able to drive. Thank you for listening to what we have to say and I hope that this bill passes.

-Ben Lyons (fourth grade)

Overall, I agree with your bill and I think it should be passed. You need to be schooled* to be educated and you need to be educated to drive.

In line 51, I think more than 10 consecutive unexcused absences during a semester is too many. I think it should be slimmed down to 8.

*I wouldn't consider home schooling dropping out.

-Daniel Swanwick (fifth grade)

I really think that this was an excellent bill. If I were a Kansas government official, I would vote for it. It would give young people a chance to get experience in driving and taking responsibility. However, I think this bill is a little rough on the driver. I also think 14 is too young to drive. 15 would be more like it. I think 14 is too young because think of all the accidents ninth-graders will be in! I think when a kid drops out of school--their license should be suspended right then.

I use to think your bill was about an eight but now it's a 9 and 1/4 = great!

-Matthew Grantham (fifth grade)

I really do think kids shouldn't drop out of school and they really do need a good education to drive. If they are not in school, they might not know some of the signs they run across.

-Drew Twigg (fourth grade)

I think that the bill is fair but I also think that you should be able to get a restricted license at the age of 14. You should be required to go through school because an education is important.

-Andy Spencer (fourth grade)

I AGREE! I think you should have to have a diploma or other certificate of graduation to show that you have gone all the way through school to drive. However, I don't think that fourteen years of age is old enough to be able to drive. I think that fifteen or sixteen is more like it. I think this because: One-if you get your license to drive a motor vehicle and you drop out of school you could just go around and steal things and two-it's a good idea to keep people in school.

-Mary Henry (fifth grade)

I agree with Bill 2343. I think you should have an education or a diploma if older than 14 years of age. In line 28 to 31 it said if enrolled and making satisfactory grades in a course leading to a general education development certificate (GED) from a state approved institution or organization or has obtained such certificate. I also think you should have your license suspended until you do better in school so students will try their best and not just goof around.

-Nick Oberst (fourth grade)

I think this bill is a very good idea. I didn't agree with some things like lines 47-49. I think they should suspend their license even though they did what the notice said to. I also did not agree with lines 65-69. I think the licensee's parents should help decide. I don't think this bill will pass because it might be too hard to enforce. It would make the schools responsible to report violations to the division of motor vehicles.

-Angie Sauerwein (fourth grade)

DRIVER CONTROL BUREAU

W. C. S. D.

- Outgoing Actions
- A. Insurance Verification Requests
 - B. Vehicle Registration Suspensions
 - C. Driver License Suspensions/Revocations
 - 1. Habitual Violator (K.S.A. 8-255)
 - 2. Habitual Violator (K.S.A. 8-286)
 - 3. Chemical Test Refusal
 - 4. D.U.I.
 - 5. No Liability Insurance
 - 6. Fail to satisfy traffic citation
 - 7. Transporting Open Container
 - 8. Driving While Suspended/Revoked
 - 9. K.S.A. 8-251 Convictions
 - 10. Other Causes

	<u>Current Month</u>	<u>Fiscal Year to Date</u>	<u>Calendar Year to:</u>
A.	<u>20</u>	<u>74</u>	<u>211</u>
B.	<u>247</u>	<u>771</u>	<u>771</u>
C.			
1.	<u>124</u>	<u>581</u>	<u>1908</u>
2.	<u>21</u>	<u>212</u>	<u>673</u>
3.	<u>2</u>	<u>152</u>	<u>526</u>
4.	<u>311</u>	<u>2394</u>	<u>5122</u>
5.	<u>424</u>	<u>7633</u>	<u>1465</u>
6.	<u>2552</u>	<u>15143</u>	<u>28013</u>
7.	<u>21</u>	<u>234</u>	<u>561</u>
8.	<u>486</u>	<u>2292</u>	<u>4617</u>
9.	<u>-</u>	<u>5</u>	<u>157</u>
10.	<u>411</u>	<u>2442</u>	<u>5325</u>
TOTAL	<u>4668</u>	<u>28464</u>	<u>58380</u>

- D. Driver License Reinstatements
- E. Vehicle Registration Reinstatements
- F. Driver Licenses Modified
 - 1. Habitual Violator (K.S.A. 8-255)
 - 2. D.U.I.
 - 3. Open Container
 - 4. K.S.A. 8-251 Violations
 - 5. Other Causes

D.	<u>3238</u>	<u>21959</u>	<u>42721</u>
E.	<u>-</u>	<u>62</u>	<u>62</u>
F.			
1.	<u>47</u>	<u>237</u>	<u>541</u>
2.	<u>129</u>	<u>954</u>	<u>2183</u>
3.	<u>154</u>	<u>1033</u>	<u>1972</u>
4.	<u>-</u>	<u>38</u>	<u>56</u>
5.	<u>68</u>	<u>278</u>	<u>2030</u>
TOTAL	<u>436</u> 398	<u>3140</u>	<u>10786</u>

- G. Hearing Results ~~70~~ 70
- H. Certifications to County Attorney
- I. Certifications to Courts
- J. Driving Records Furnished
 - 1. Manually
 - 2. Key Entry/Tab Card

G.	<u>191</u>	<u>1718</u>	<u>3611</u>
H.	<u>1</u>	<u>299</u>	<u>1215</u>
I.	<u>2608</u>	<u>15541</u>	<u>30343</u>
J.			
1.	<u>3918</u>	<u>28433</u>	<u>5926</u>
2.	<u>298</u>	<u>2058</u>	<u>7130</u>
TOTAL	<u>7016</u>	<u>52550</u>	<u>10281</u>

- K. Medical Notices
- L. Composed letters/memos

K.	<u>-</u>	<u>-</u>	<u>-</u>
L.	<u>1137</u>	<u>6091</u>	<u>8963</u>

**Dropout Rate by Percent
1982-1988**

	State Percent	USD Enrollment 0-399 Percent	USD Enrollment 400-1,999 Percent	USD Enrollment 2,000-9,999 Percent	USD Enrollment 10,000 and over Percent
1981-1982	4.9	2.3	3.7	6.4	5.8
1982-1983	4.6	2.2	3.5	6.2	5.1
1983-1984	4.2	1.7	3.0	5.4	5.0
1984-1985	4.3	1.7	3.0	4.7	6.0
1985-1986	4.0	1.9	3.0	4.4	5.2
1986-1987	4.1	1.7	2.6	4.5	6.0
1987-1988	4.3	1.9	3.0	4.4	6.4

Dropouts 1987-88

Number of Dropouts	Number	Percent
Grades Ninth - Twelfth	5,105	4.3
Sex		
Female	2,251	44.1
Male	2,854	55.9
Grade Level		
Ninth	753	14.8
Tenth	1,460	28.6
Eleventh	1,605	31.4
Twelfth	1,287	25.2
Race		
American Indian	58	1.1
Asian/Pac. Islander	108	2.1
Hispanic	304	6.0
Black	570	11.2
White	4,065	79.6

A dropout is defined as a pupil who leaves a school for any reason, except death, before graduation or completion of a program of studies and without transferring to another school.

(continued on back)

Graduates

Graduates, 1987-88	Number	Percent
Females	13,332	49.3
Males	13,704	50.7
Total	27,036	100.0

Status of 1987-88 Graduates

Attending:

Four-year college or university	11,460	42.4
Two-year college	5,718	21.2
Other type college	460	1.7
Other postsecondary (noncollege)	1,299	4.8
Employed	4,762	17.6
Unemployed	607	2.2
Entered military service	1,127	4.2
Other	438	1.6
Unknown	1,165	4.3

Graduation Rate*

Year	Percent	Rank Among States
1972	82.8	15
1982	80.7	7
1984	81.7	9
1985	81.4	9
1986	81.5	8

* Computed by the U.S. Department of Education, State Education Statistics, "Wall Charts"

Graduation Educational Development Test (GED)

	Number Taking	Number Passing	Percent Passing
Jan. through Dec., 1985	6,939	5,632	81.16
Jan. through Dec., 1986	7,286	6,051	83.05
Jan. through Sept., 1987	5,633	4,604	81.73
Jan. through Sept., 1988	5,755	4,704	82.00



Testimony on HB 2483
before the
Senate Transportation Committee

by

Norman L. Reynolds, Director of Education Services
Kansas Association of School Boards

March 20, 1989

Mr. Chairman and members of the Committee. The Kansas Association of School Boards, which represents 301 of 304 unified school district boards of education, is not opposed to HB 2483 but would like to express its opposition to Section 2 of HB 2483 and all references to Section 2 located elsewhere in the bill. Our position is based on the following:

The committee needs to be aware that mandatory attendance in school stops at age 16 unless the student is under some type of court order. There would seem to be some inconsistency with the mandatory-to-drive requirement and the mandatory attendance law.

In addition, KASB has a concern about the inconsistency between the present truancy law and truancy as defined in HB 2483. Present law defines truancy as three consecutive days of unexcused absence or five total in a semester. HB 2483 defines truancy as 10 consecutive or 15 unexcused absences in a semester.

Finally, HB 2483 allows for a possible required reporting by the school to three agencies, Kansas Department of Transportation and city and county chief

law enforcement officers, gives the superintendent authority which the board of education cannot reverse, creates some cause for concern about liability should a principal fail to report a student and the student has an injury accident and creates a window which allows a parent to excuse a student by sending a written statement that the student will be enrolling in another school.

We request that HB 2483 be reported out of committee with Section 2 completely removed as part of the final bill.

Thank you for the opportunity to present this testimony today. I'll be happy to try to answer any questions.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

In support of House Bill 2159
as amended and passed by the
House of Representatives.

Presented to the Senate Transportation & Utilities
Committee, Senator Bill Morris, Chairman; Statehouse,
Topeka, Monday, March 20, 1989.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here this morning with Tom Whitaker, our Governmental Relations Director; on behalf of our members and the highway transportation industry to support House Bill 2159 as it was amended by the House Transportation Committee and passed by the House.

The problem of spilled cattle waste was addressed by the Kansas Legislature in 1984. Our industry strongly supported the requirement that trailers hauling livestock be equipped properly with cleanout traps and further that such traps be operated in a closed position when livestock was on board. We also strongly supported the provision that required such livestock trailers to be cleaned out periodically.

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We explained to the Legislature that it is incumbent upon the livestock carrier to observe a periodic cleaning schedule of his equipment to (1) avoid any problems with additional weight and (2) to safeguard his equipment from the damage such acids collectively cause.

The livestock industry is important to the economy of Kansas and like all businesses in our state, cannot stand artificial costs which make shippers and consumers eventually pay the price.

We sincerely believe that carriers, equipment manufacturers and shippers -- all are working diligently to reduce the problem of cattle waste.

Cattle trailers are equipped with the cleanout traps. Carriers have adopted company policy directing their drivers to exercise every precaution in operating such livestock equipment.

Major shippers, including the IBP plants at both Emporia and Garden City, have initiated efforts to control such cattle waste.

It is our understanding that the Emporia IBP plant manager has held extensive discussions with the mayor of Emporia about the spilling of cattle waste on Emporia street locations. Further, IBP has written carriers who transport cattle into the Emporia plant about this problem and even has installed security camera equipment to identify those units operating trailers without the traps in a closed position.

IBP estimates that since the letter and the camera equipment were initiated, the problem has been reduced by some 50%. The company will continue to work with the carriers and the community to eliminate this problem.

We believe the language the special subcommittee of the House Transportation Committee developed for the bill is a reasonable response to the need for continued efforts to control the problem of cattle waste.

Our industry is as concerned with the careless operation of livestock trailers as is anyone. We do not want such problems to go unchecked -- in any community.

We ask your understanding of the efforts which our equipment manufacturers, our carriers and our shippers are making to address the problem of spilled cattle waste. We need this statute to continue sincere efforts to control this problem.

We respectfully ask that you recommend House Bill 2159 for passage as it is before you. I will be pleased to respond to any questions you may have.

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