

Approved 2-19-90  
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rep. Rex Crowell at  
Chairperson

1:30 ~~am~~/p.m. on February 14, 1990 in room 519-S of the Capitol.

All members were present except:

Representatives Guldner, Long, Smith and Shore - all excused.

Committee staff present:

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

Conferees appearing before the committee:

Representative Ellen Samuelson  
Mr. John Magnuson, Board of McPherson County Commissioners  
Ms. Anne Smith, Kansas Association of Counties  
Mr. Paul Shelby, Office of Judicial Administration  
Ms. Mary Turkington, Kansas Motor Carriers Association

The meeting was called to order by Chairman Crowell, and the first order of business was a hearing on HB-2724 concerning disposition of certain fines imposed for vehicular size and weight violations.

Representative Samuelson, a sponsor of HB-2724, briefed the Committee on the contents of the bill. (See Attachment 1)

Mr. John Magnuson, Board of McPherson County Commissioners, testified in support of HB-2724. (See Attachment 2)

Ms. Anne Smith, Kansas Association of Counties, testified in support of HB-2724. (See Attachment 3)

Mr. Paul Shelby, Office of Judicial Administration, testified concerning HB-2724. (See Attachment 4)

Ms. Mary Turkington, Kansas Motor Carriers Association, spoke as an opponent to HB-2724. (See Attachment 5)

Committee discussion and questioning followed Ms. Turkington's remarks.

The hearing on HB-2724 ended.

Attention was turned to HB-2656 concerning proportional registration fees. Chairman Crowell said there had been concern expressed regarding action taken on HB-2656 by the Transportation Committee on February 13, 1990.

A motion was made by Representative Roenbaugh that action be reconsidered on HB-2656. The motion was seconded by Representative Lacy. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S Statehouse, at 1:30 ~~am~~/p.m. on February 14, 1990.

The minutes of the House Transportation Committee meeting held on February 13, 1990, were approved as written.

The meeting was adjourned at 2:20 p.m.

  
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Rex Crowell, Chairman

GUEST LIST

COMMITTEE: Transportation

DATE: 2-14-97

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
JOHN MAGNUSON	223 N 1 <sup>st</sup> LINDSBURG	McPetersen Co.
Tom Whitaker	Topeka	Ks Motor Carriers Assn.
Mary E. Tankins	Topeka	Kansas Motor Carriers Assn.
Dean Jummell	Coonal Grove	KMCDA
PAT BARNES	Topeka	Ks. Motor Car Dealers Assoc.
Carolyn Bussan	Street Bend.	District Court
Al Singleton	Maukation	Rely Co. Dist. Court
Paul Shelby	Topeka	OTA
Joni Wright	Topeka	KCUK
Timberlynn	Topeka	Ks. Automobile Dealers Logos Like Coalition
Ed De Souza	Topeka	Kansas Contractors Assoc.
Pat Hubbell	Topeka	Kansas Railroad Association
DAVID HORABAKER	TOPEKA	KHP
Michael Kuhn	"	"
Mark P. Wellig	Topeka	Ks Dept of Revenue
	Laurence	Ks Dept of Revenue

STATE OF KANSAS

ELLEN B. SAMUELSON  
REPRESENTATIVE, 99TH DISTRICT  
HARVEY, McPHERSON AND  
BUTLER COUNTY AREA  
RT. 1, BOX 73  
NEWTON, KANSAS 67114  
(316) 327-4807



TOPEKA

HOUSE OF  
REPRESENTATIVES

February 14, 1990

COMMITTEE ASSIGNMENTS  
MEMBER: AGRICULTURE AND SMALL  
BUSINESS  
ECONOMIC DEVELOPMENT  
LOCAL GOVERNMENT

Mr. Chairman, and members of the Transportation Committee, I appreciate the opportunity to appear before your Committee and to give my support for House Bill 2724.

McPherson County Commissioners brought this matter of fines collected for weight violations to my attention. It appears to me when a county makes the effort to control overweight vehicles on roads under their jurisdiction and have the responsibility for repair and maintenance, that it is appropriate for the money from fines they collect to remain in that county's treasury.

John Magnuson, McPherson County Commissioners is here today to discuss this in more detail with you.

*Attach. 1*

TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE  
BY  
JOHN MAGNUSON, MCPHERSON COUNTY COMMISSIONER  
ON BEHALF OF THE  
BOARD OF MCPHERSON COUNTY COMMISSIONERS  
FEBRUARY 14, 1989

House Bill No. 2724 addresses an operational issue pertinent to McPherson County's enforcement of state laws and county resolutions regulating vehicular size and weights on **county and township roads**. This proposal would provide for the return to counties of monies from fines imposed for violation of weight and size laws and resolutions on county and township roads, in those counties employing a weight officer. McPherson County supports House Bill No. 2724, as it provides financial encouragement to those counties actively supporting the enforcement of weight and size laws on its roads. It is appropriate to consider the return of fines written in the county on its roads, by the **designated weight officer**, as an equitable approach to the administration of this local program.

Currently, the McPherson County Sheriff's Office has assigned a full-time deputy sheriff to the primary function of weight officer. The officer is furnished with portable, digital read-out, wheel-axel scales and a vehicle designed to allow easy access to the scales. This equipment provides the officer with the capability of weighing a potential over-weight violation at the location of the stop, as opposed to escorting the vehicle to an elevator or other legal-trade scale. This procedure saves time, and works to keep the officer on the county and township roads. The current cost, per year, for the operation of a weight officer in McPherson County is approximately \$25,000.

The Board of McPherson County Commissioners has adopted, by resolution, weight limits for county roads, which further restrict the size and weight of vehicles using county or township roads. The adoption of these resolutions are predicated on the fact that strict enforcement will extend the life of road surfaces located within the County's boundaries.

At present, ninety percent (90%) of the overweight citations written by the County's weight officer are on county roads, where the vehicle is over the locally posted weight limits. The County's weight officer does not patrol state roads, except in response to requests for assistance by the Kansas Highway Patrol. The yearly estimated revenue generated by the County's weight officer is \$25,000 - \$30,000. In 1989 the McPherson County weight officer issued 22 overweight tickets. In 1988 the number of tickets issued were 33 and in 1987 the county issued 55 tickets.

While we are sensitive to concerns regarding this program's impact on state coffers, we would respectfully suggest that the limitations contained in the bill, (e.g. the return of only those fines written by the full-time County weight officer, on county or township roads) will severely restrict the financial impact. Given that most county's main source of revenue is property taxes, the funding of this critical program through fines levied for weight and size violations on county or township roads, will have a two-fold benefit: the weight officer's program will be funded through users of the system; and, the taxes needed to maintain the roads can be further stretched.

The return of the fines, under the provisions contained in this bill, will facilitate more active enforcement of weight and size laws on county and township roads, which will help to maintain the county's investment in its road system. We would respectfully request your support for House Bill No. 2724.



"Service to County Government"

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**Executive Director**  
John T. Torbert

February 14, 1990

To: Representative Rex Crowell, Chairman  
Members, House Transportation Committee

From: Anne Smith  
Kansas Association of Counties

Re: HB 2724

This legislation would allow counties to remit to their county general fund moneys that are collected from vehicular size and weight violations that occur on county and township roadways.

McPherson County currently has the ability to enforce the provisions of article 19 of Chapter 8 of the Kansas Statutes and resolutions adopted by the county.

The Kansas Association of Counties supports HB 2724 so McPherson County and any other county that can enforce vehicular size and weight provisions in state law can then retain the revenues from fines for their own county general funds.



House Bill No. 2724  
House Appropriations Committee  
February 14, 1990

Testimony of Paul Shelby  
Assistant Judicial Administrator  
Office of Judicial Administration

Mr. Chairman:

I appreciate the opportunity to appear today to discuss House Bill No. 2724. This bill would amend the state overweight fine statute so that counties, which have law enforcement officers to enforce weight laws on any highway under the jurisdiction of the county, will be paid the fine for weight violations in that county. This amendment, if enacted as presently worded, will cause an appreciable impact on State General Fund revenue and District Court Accounting procedures, and an additional expense to the counties.

State General Fund: In FY 1989, the Highway Patrol and its weight enforcement detachment issued citations statewide which brought in \$710,737 in overweight fines and \$127,386 in court costs. The fine portion and the major part of the court costs of those collections are revenue to the State General Fund. The fine portion could be lost by this bill.

Attach. 4



State General Fund cont'd

In the past, Sedgwick County has expressed an interest in this program. Using that county as an example, the loss to the General Fund would be about \$95,000. This amount, of course, would vary by county or counties which qualify under the bill's requirements.

**District Court Accounting:** Additional court clerk time will be needed in any county which qualifies. One reason for this is the requirement in the bill, as drafted, for segregating the fines (state fines vs. county fines) by type of case in the affected counties. The clerk will also have the responsibility for and have to take the time to decide if the ticket was written by a county or state officer and whether it was issued on a township road or state highway. It is estimated that if 535 cases (at 15 minutes per case) were processed, it would amount to about \$1,000 temporary clerk hire impact on the State General Fund in that county alone. Judge time would be negligible.

District Court Accounting cont'd

Necessary changes would also be required for accounting forms and computer programs in the affected district courts due to fine segregation. These expenses would not impact the State General Fund, but would be an expense to the county. Because it is not possible to estimate the number of counties which would opt into the provisions of this bill, we do not have an estimate of these costs.

We respectfully urge the committee to consider our concerns and the impact to the court system and the State General Fund.

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STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

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Presented to the House Transportation Committee;  
Rep. Rex Crowell, Chairman; Statehouse, Topeka,  
Wednesday, February 14, 1990.

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Expressing the highway transportation  
industry's opposition to H.B. 2724.

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here today with Tom Whitaker, our Governmental Relations Director. We respectfully must oppose the provisions of House Bill 2724. Our industry does not oppose counties enforcing size and weight limits on motor vehicles. Such enforcement is proper and should be exercised on all vehicles.

We do oppose the concept that revenue generated from fines for size and weight violations should go to the enforcement jurisdiction or agency issuing the violation citations. That process is not recognized elsewhere and should not be authorized for counties as provided in House Bill 2724.

Such is the basis of our opposition to this bill. We will be pleased to respond to any questions.

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Att. 5