

Approved 10-8-90

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 26, 1990 in room 519-S of the Capitol.

All members were present ~~except~~:

Committee staff present:

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

Conferees appearing before the committee:

Dr. Arris Johnson, Hays, Kansas
Mr. Garnet Haifleigh, Goodland, Kansas
Ms. Pam Sommerville, Kansas Department of Transportation
Mr. Ray Olson, Kansas Coalition on Aging
Rep. Al Ramirez
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-3008 concerning the Kansas Elderly and Handicapped Coordinated Public Transportation Assistance Act.

Dr. Arris Johnson, Hays, Kansas, testified in support of HB-3008.
(See Attachment 1)

Mr. Garnet Haifleigh, Goodland, Kansas, testified in support of HB-3008. (See Attachment 2)

Ms. Pam Sommerville, Kansas Department of Transportation, spoke in opposition to HB-3008. (See Attachment 3)

Mr. Ray Olson, Kansas Coalition on Aging, testified as an opponent to HB-3008. (See Attachment 4)

Committee discussion and questioning followed.

The hearing on HB-3008 ended.

The next order of business was a hearing on HB-3023 designating Interstate Highway 635 as the Harry Darby Memorial Highway.

Ms. Pam Sommerville, Kansas Department of Transportation, testified in favor of HB-3023. (See Attachment 5) (Attachment Missing)

Representative Al Ramirez, sponsor of HB-3023, briefed the Committee on the contents of the bill.

The hearing on HB-3023 ended.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,

room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on February 26, 1990.

The next order of business was a hearing on HB-2659 authorizing certain reciprocal agreements under the Vehicle Dealers' and Manufacturers' Licensing Act.

Mr. Mark Wettig, Kansas Department of Revenue, testified in support of HB-2659. (See Attachment 6)

Committee discussion followed.

The next bill taken up for Committee discussion and action was SB-129 concerning vehicle registration fees.

A motion was made by Representative Freeman that SB-129 be recommended favorable for passage. The motion was seconded by Representative Smith.

A substitute motion was made by Representative Lucas that SB-129 be amended to be a substitute bill requiring notification of certain persons prior to an abortion performed upon a minor or upon certain disabled persons. (See Attachment 7) The motion was seconded by Representative Smith.

The question of germaneness was raised. The Chairman said germaneness is usually treated leniently by committees.

Motion carried.

The next bill taken up for Committee discussion and action was HB-2691 concerning the sale of motor vehicles away from the dealers' place of business.

A motion was made by Representative Roenbaugh that HB-2691 be recommended favorable for passage. The motion was seconded by Representative Empson. Motion carried.

The next bill taken up was HB-2656 concerning proportional registration fees which had previously been reported favorably by the Committee on February 13, 1990. The Committee reconsidered its action on February 14, 1990.

A motion was made by Representative Shore that Section 2 and the appropriate language in Section 1 that refers to interest be stricken. The motion was seconded by Representative Freeman. Motion carried with 15 voting "yes".

A motion was made by Representative Freeman that HB-2656 be recommended as amended favorable for passage. The motion was seconded by Representative Shore. Motion carried.

The next bill taken up for Committee discussion and action was HB-2659 authorizing certain reciprocal agreements under the Vehicle Dealers' and Manufacturers' Licensing Act.

A motion was made by Representative Roenbaugh that HB-2659 be recommended favorable for passage and placed on the Consent Calendar. The motion was seconded by Representative Dean. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~xx~~ p.m. on February 26, 1990

The next bill taken up for Committee discussion and action was HB-3023 designating Interstation Highway 635 as the Harry Darby Memorial Highway.

A motion was made by Representative Wilbert that HB-3023 be recommended favorable for passage and placed on the Consent Calendar. The motion was seconded by Representative Guldner. Motion carried.

The next bill taken up for Committee discussion and action was HB-2941 designating the Frontier Military Highway.

A motion was made by Representative Gregory that HB-2941 be amended to repeal a previous designation, Ozark Frontier Trail. The motion was seconded by Representative Everhart. Motion carried.

A motion was made by Representative Gregory that HB-2941 be amended in Line 24 to read Frontier Military Scenic Byway. The motion was seconded by Representative Wilbert. Motion carried.

A motion was made by Representative Gregory that HB-2941 be recommended favorable as amended for passage and placed on the Consent Calendar. The motion was seconded by Representative Dillon. Motion carried.

The meeting was adjourned at 2:40 p.m.



Rex Crowell, Chairman

I am Dr. Arris Johnson, Silver Haired Legislator and Chairman of PSA 03.

It is an indisputable fact that, for the person who does not drive his/her own automobile and who lives in the smaller community, there is less public transportation today than there was 50 years ago. The demise of the rail system and the decline of bus transportation are symptoms of this phenomenon.

The needs of the elderly and the handicapped are at least as pronounced today as they were in years past. While there is transportation available in the urban areas in the form of taxis, buses, and vans, there are many communities in the State of Kansas where such does not exist. There are elderly and the handicapped who live in small communities where the necessary life sustaining services are not available and must travel to other cities.

In 1989, House Bill No. 2014 provided for money to be expended annually to meet such needs and House Bill No. 2099 of the same year provided for the implementing language. But there is a clause in the House Bill No. 2099 which is detrimental to those in a number of communities. It reads, "...and which receive federal support through section 9, section 16(b) (2), or section 18 from the U. S. Department of Transportation, urban mass transportation administration."

The phrase, "...and which receive federal support ..." assumes past participation in such a program. Where can a community go for help who has not participated? To say, "You had your chance" either automatically excludes a needy community from the program, or assumes that one can turn the clock backwards so that the error can be corrected. Obviously, we are forced to accept the automatic elimination.

There are rural communities which have made attempts in the past to become a part of the program, but who were discouraged from participation because of various experiences and so are not a part of the program. These are also automatically eliminated because of the "federal support" clause. They are simply being penalized because of what we now know but cannot be corrected.

We believe that, in fairness to the rural communities in Kansas, the clause alluding to "federal support" in the past should be eliminated and make it possible for rural communities to participate.

Thank you for your attention to these remarks. I ask you to give them your serious consideration.

Att. /

I am Garnet Haifleigh from Goodland, Kansas. I am the Silver Haired Legislator from Sherman County. I have come over 300 miles today because of my deep concern for the need of better transportation services for the handicapped and elderly of Kansas, especially rural Kansas.

Senior vans are no longer available through the Area Agency on Aging, but through the Kansas Department of Transportation. (K.D.O.T.) K.D.O.T. has made the decision to give 16B and Section 18 grants for vans and their maintenance only to those organizations who now have that service. There are many counties in Kansas who do not have a van at all and there are those whose present vans do not qualify for a replacement. The present policy of K.D.O.T. makes it impossible to remedy this predicament.

Many of our citizens, because of finances or aging, are no longer capable of driving a car and the van is their only means of transportation to the mealsites, the doctor, dentist, bank, grocery store, drug store and for other necessary errands. We hire a qualified van driver five (5) days a week for the needs of our citizens, both the elderly and handicapped. Our Goodland mealsite served 16,142 meals in 1989. Many of our patrons ride the van to the mealsite. These meals are very important to their health and well-being.

In 1981, when our first van needed to be replaced, we were not able to receive grants through the Area Agency on Aging. Because our need was urgent, our community joined together to raise money for a new van. With various fund drives such as bake sales, pancake breakfasts, ham and bean dinners, selling chances on a hand-made quilt, door to door requests, etc., we were able to raise \$15,000 for our present van. We were indeed fortunate to have this community cooperation. Our van is the most visible vehicle in our town, as it carries our handicapped and elderly to their necessary destinations. We have no taxis or buses for public transportation, so the van has become a vital necessity.

Now, because we did not get our present van through K.D.O.T., we are not eligible for a grant for a replacement van. Are we to be punished because we used our initiative and worked diligently to obtain the money that enabled us to buy our present van?

All Kansas residents pay taxes. I can see no reason why any community should be excluded by an unnecessary regulation in the Kansas Transportation Act. I think the transportation program is vital to the health and well-being, not only in my community, but in all of Kansas.

At present the Kansas Transportation Act is not a fair law. It is not a law that provides to all communities across the state an equal opportunity to compete for these transportation vans. I believe that this tax supported program should be available to all communities that need transportation help for their elderly and handicapped.

Testimony from Garnet Haifleigh, P. 2

In conclusion, I know that the operation of transportation programs is an expensive effort. That effort can, this year and in the coming years help both Older Kansans and Kansans with disabilities. I am in full support of funding as many aging and elderly transportation service providers as possible without undue limitations.

I request your serious consideration of this information and your support for House Bill 3008. Thank you for the opportunity to come here and testify.

Pam

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION
Docking State Office Building
Topeka 66612-1568
(913) 296-3566

Horace B. Edwards
Secretary of Transportation

Mike Hayden
Governor of Kansas

February 26, 1990

MEMORANDUM TO: HOUSE TRANSPORTATION COMMITTEE
REGARDING: HOUSE BILL 3008

Good Afternoon Mr. Chairman and members of the committee. House Bill 3008 proposes broadening the language contained in K. S. A. 75-5034 (1989 HB 2099). While the Department supports the intent of HB 3008 to broaden services for the handicapped and elderly, the Department does not support the adoption of HB 3008.

Since we are currently implementing the legislation passed during the 1989 session, we do not yet have reason to assume that the legislation, as passed, is unsatisfactory. Additionally, in developing the implementation of K. S. A. 75-5034, the Department of Transportation met with the Kansas Public Transit Association and other major providers in the state to discuss the provisions of the bill. The consensus at

A++ 3

that time was to support the definition of transportation systems, which HB 3008 strikes. We believe the intent of the language expressed is still valid.

Secretary Edwards indicated during his presentation February 13, 1990, the proposed plan was distributed to over 500 interested parties, and five meetings were held state-wide to solicit input from individuals.

Discussion with Secretary Wolf, Department of Aging, indicated she is supportive of the Department's efforts to implement the current statute.

Finally, Mr. Chairman passage of HB 3008 may make eligibility requirements more difficult and would diffuse the \$390,000 available annually such that it would have little noticable impact and would damage the ability to provide quality and coordinated transportation.

Testimony on HB 3008
House Transportation Committee
Presented for the Kansas Coalition on Aging
By Ray Olson Chairman, Transportation Task Force
February 26, 1990

Mr. Chairman, my name is Ray Olson. I am the chairman of of the Kansas Coalition on Aging's Transportation Task Force. On behalf of the Kansas Coalition on Aging, I would like to thank the committee for this opportunity to discuss the Kansas Elderly and Handicapped Coordinated Public Transportation Assistance Act. My purpose is to present information which KCOA believes should be considered in your deliberations on this issue, the Kansas Elderly and Handicapped Coordinated Public Transportation Assistance Act.

There are four points which I believe that you should keep in mind as you decide whether your committee should support this bill which would amend current law so as to open the Kansas Elderly and Handicapped Public Transportation Assistance Act funding to any transportation provider.

The first point is that we need to encourage transportation system coordination. The statute under review was developed as a result of considerable criticism heard by the Kansas Legislature about the lack of coordination in the elderly and handicapped transportation system. In March of 1988, the Legislative Division of Post Audit issued a report which noted the lack of coordination in the transportation system. It is noteworthy that the Legislature included the term "coordinated" in the title of the act and used the term frequently in the bill.

Last year the Legislature included the section in question as a means of facilitating coordination. This section was an amendment to the original bill. It was added in order to assure that the state funds authorized by this law would not be used to fund projects which were not part of the existing transportation structure. It was added as a means of assuring coordination.

It should be noted that the clause does not prohibit a provider, which is not currently receiving federal funds, from receiving state funds, under this act, in the future. Any organization which is eligible to apply for funds from Sections 9, 16(b)(2), or 18, could apply for funding under these sections. If their application is of sufficient merit to be approved by the Department of Transportation, they would also be eligible for state funds under this act. These organizations could include city, county, Indian reservation or a private non-profit organization.

A second factor to consider in your deliberations is the scarcity of funds available through the state program. The most likely

effect of this amendment would be to allow programs which are not receiving federal funds to possibly receive state funding for vehicle purchase or operation. The Department of Transportation has set aside \$150,000 for the purchase of vehicles each year. At a matching ratio of 70% state and 30% local, this amount of state funds allowed for the purchase of seven vans in 1990.

The state also set aside \$195,000 for financial assistance for operating expenses for Section 16(b)(2) recipients who are not receiving operating grants and for Section 18 recipients. This will provide approximately 5% of the operating costs. A sum of \$35,000 was set aside for the three Section 9 transit authority grantees; Wichita, Topeka and Kansas City. The state also set aside \$10,000 for discretionary grants for any transportation system to undertake new and innovative coordination activities which would lead to more effective use of resources and alleviate duplication of services.

There is no shortage of need. As of March 31, 1989, there were 45 vehicles in KDOT's inventory which had been driven more than 100,000 miles. Given these facts, it is necessary to establish priorities to be used in deciding which projects to fund. It is not unreasonable to channel scarce resources to existing programs.

A third factor to consider is that by channeling funds to existing providers under Sections 9, 16(b)(2) and 18, existing administrative structures and processes for allocating state funds can be utilized and the development of a new administrative bureaucracy can be avoided. By minimizing the administrative process, it is possible to use all funds appropriated for services.

Finally, I think you should know that a measure identical to this amendment was submitted to the Silver Haired Legislature last year and did not get out of committee.

On behalf of KCOA, I wish to thank you for this opportunity to express our views about this proposed bill.

KANSAS DEPARTMENT OF REVENUE
Office of the Secretary
Robert B. Docking State Office Building
Topeka, Kansas 66612-1588

TO: The Honorable Rex Crowell, Chairman
House Transportation Committee

FROM: Mark E. Wettig,
Special Assistant to the Secretary of Revenue

DATE: February 26, 1990

SUBJECT: House Bill 2659

I appreciate the opportunity to appear before you today in support of legislation requested by the Department of Revenue. House Bill 2659 would authorize the Director of Vehicles to enter into an interstate compact for the exchange of information concerning vehicle dealers.

BACKGROUND

House Bill 2659 would allow the Director to enter an interstate compact to share information between member states in regards to violations or convictions of civil or criminal offences committed by motor vehicle dealers.

This proposal originated in the American Association of Motor Vehicle Administrator's workshop this past summer. It is not uncommon for a dealer who's license has been suspended or revoked for a civil or criminal conviction in one state to move to another state and set up shop. This bill would allow member states to receive this information and consider it before granting a license, thus giving the states a more complete picture of a dealer's background.

Thank you.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Transportation

Recommends that Senate Bill No. 129 (As Amended by House Committee)

"AN ACT concerning vehicle registration fees; amending K.S.A. 1988 Supp. 8-145 and 8-145d and repealing the existing sections."

Be amended:

By substituting therefor the following:

HOUSE BILL NO. _____

By Committee on Transportation

AN ACT requiring notification of certain persons prior to an abortion performed upon a minor or upon certain disabled persons; providing procedures relating thereto; providing penalties for violations.

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

"Section 1. (a) The legislature finds that:

(1) There exist compelling and important state interests in protecting minors against their own immaturity, in fostering the family structure and preserving it as a viable social unit, and in protecting the rights of parents to rear their children;

(2) minors often lack the ability to make fully informed choices that take into account both immediate and long-range consequences of their actions; that the medical, emotional, and psychological consequences of abortion are serious and of indeterminate duration, particularly when the patient is a minor; that parents ordinarily possess information essential to a

physician's exercise of best medical judgment concerning their children; and that parents who are aware that their minor daughter has had an abortion may better ensure that the minor receives adequate counseling and medical attention for any complications which may result; and

(3) parental consultation regarding abortion is desirable and in the best interest of the minor.

(b) It is, therefore, the intent of the legislature to further the interests stated above by enacting this parental notice provision.

Sec. 2. As used in this act:

(a) "Abortion" means an act, procedure or use of any instrument, medicine or drug which is supplied or prescribed for or administered to a pregnant woman with the intent and result of producing the premature expulsion, removal or termination of the life of the preborn child within the womb of the pregnant woman, except that in cases in which the preborn child's life is threatened by continuation of the pregnancy, early delivery after viability shall not be construed as abortion;

(b) "preborn child" means the offspring of human beings existing from the moment of fecundation of the ovum by the spermatozoa through every stage of development until birth;

(c) "pregnant" means that condition of a female from the date of conception until the birth of her child;

(d) "parent" means both parents of the pregnant woman if they are both living, one parent of the pregnant woman if only one is living or if the second one cannot be located through reasonably diligent effort, or the guardian if the pregnant woman has one, but it shall not mean a corporate body, body politic, the department of social and rehabilitation services or any other state agency, or agent thereof, acting in an official capacity;

(e) "minor" means any person who is within the period of minority under K.S.A. 38-101 and amendments thereto.

(f) "unemancipated minor" means a minor who is not and never has been married and who has not by court order been freed from

the care, custody and control of the minor's parents or legal guardian;

(g) "viability" means that stage of human development when the preborn child is potentially able to live more than momentarily outside the womb of the mother by natural or artificial means.

Sec. 3. (a) Notwithstanding any other provision of law, no abortion shall be performed upon any unemancipated minor or upon a disabled person for whom a guardian has been appointed pursuant to the act for obtaining a guardian or conservator, or both, until at least 48 hours after written notice of the pending abortion has been delivered in the manner specified in this section:

(1) The notice shall be addressed to the parent at the usual place of abode and delivered personally to the parent by the physician or the physician's agent.

(2) In lieu of the delivery required by subsection (a)(1), notice shall be made by certified mail addressed to the parent at the usual place of abode with return receipt requested and restricted delivery to the addressee which means a postal employee can only deliver the mail to the authorized addressee. Time of delivery shall be deemed to occur at 12:01 p.m. on the next day on which regular mail delivery takes place, subsequent to mailing.

(b) No notice shall be required under this section if:

(1) The attending physician certifies in the pregnant woman's medical record that a bona fide medical emergency exists and the abortion is necessary to prevent the woman's death and further that there is insufficient time to provide the required notice, except that if notice has not been given pursuant to this subsection a full medical report of the minor's abortion shall be sent by certified mail to the person or persons entitled to notice under this act at the usual place of abode of such person or persons within 48 hours of the time of the abortion;

(2) the person or persons who are entitled to notice have

signed a written, notarized waiver of notice which is placed in the pregnant woman's medical records; or

(3) the pregnant woman declares that the father of the preborn child is a parent who is entitled to notice under this statute. Notice of that declaration shall be reported to the state department of social and rehabilitation services or the appropriate law enforcement agency pursuant to K.S.A. 38-1522 and amendments thereto.

Sec. 4. Performance of an abortion in violation of section 3 shall be a class D felony. A person shall not be held liable under this section if the person establishes by written evidence that the person relied upon evidence sufficient to convince a careful and prudent person that the representations of the pregnant minor regarding information necessary to comply with this section are bona fide and true, or if the person has attempted with reasonable diligence to deliver notice, but has been unable to do so. Performance of an abortion in violation of section 3 shall be grounds for a civil action by any person upon whom an abortion unlawful under section 3 was performed, the father of the preborn child who was the subject of such an abortion or the grandparent of such a preborn child may maintain an action against the person who performed the abortion for \$10,000 in punitive damages and treble whatever actual damages the plaintiff may have sustained. No person shall be precluded from recovery in such a suit on the ground that either the plaintiff or the person upon whom the abortion was performed gave consent to the abortion.

Sec. 5. If any provision, word, phrase or clause of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions, words, phrases, clauses or application of this act which can be given effect without the invalid provision, word, phrase, clause or application, and to this end the provisions, words, phrases and clauses of this act are declared to be severable.

Sec. 6. This act shall take effect and be in force from and

after its publication in the Kansas register.";

And the bill be passed as amended.

_____Chairperson