

Approved 1-17-90 Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION & UTILITIES

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

9:02 a.m./~~p.m.~~ on January 16, 1990 in room 254-E of the Capitol.

~~All members were present except:~~

Members present were: Senators Morris, Francisco, Hayden, Kanan, F. Kerr, Sallee and Thiessen.

Committee staff present:

Ben Barrett, Legislative Research Department
Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

Hank Avila explained Proposal No. 55 which resulted from a request by Secretary Edwards relating to the implementation of the accelerated highway program approved by the 1989 Legislature. There were three items to consider: 1) Utility Easements; 2) Enhanced Authority to Acquire Fee Simple Title by Eminent Domain; and 3) Reemployment of Certain Recently Retired Personnel. A copy of this review dated January 16, 1990 is attached. (Attachment 1).

Mr. Avila reviewed the bills which had been carried over from the 1989 session. A copy of his Memorandum dated January 11, 1990 is attached. (Attachment 2).

S.B. 131 - Nonhighway registration for mobile homes and travel trailers.

1989 H.B. 2177 enacted the proposed provisions of S.B. 131.

A motion was made by Sen. Francisco and was seconded by Sen. Hayden to recommend S.B. 131 adversely. Motion carried.

H.B. 2320 - Highway contract development act, state contracts.

1989 H.B. 2014 contains a provision which accomplishes the objective of H.B. 2320.

A motion was made by Sen. Thiessen and was seconded by Sen. Sallee to recommend H.B. 2320 adversely. Motion carried.

S.B. 343 - Driving privileges conditional on school attendance.

The Chairman would request this bill be rereferred to the Education Committee.

Meeting was adjourned at 9:50 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 1-16-90 Place 254-E Time 9:02

GUEST LIST

NAME	ADDRESS	ORGANIZATION
GARY N. GRIFFITHS	TOPEKA	KDOT
PAT HUBBELL	TOPEKA	KS. RR. ASSO.
Jacque Oake	Topeka	Ks. Ind. Auto Dealers Assn.
Matt Tavel	Topeka	IAF
ED DE SOIGNIE	TOPEKA	KANSAS CONTRACTORS ASSOC.
Pat Wiechman	Topeka	Ks Automotive Dismantlers & Recyclers Assn.
MARY E. TURKINGTON	Topeka	KANSAS MOTOR CARRIERS ASSN.
JERRY COOPER	LAWRENCE	KGE

MEMORANDUM

Kansas Legislative Research Department

Room 545-N -- Statehouse
Topeka, Kansas 66612-1586
(913) 296-3181

January 16, 1990

To: Senate Transportation and Utilities Committee

From: Hank Avila, Research Analyst

Re: Proposal No. 55 -- Kansas Department of Transportation (KDOT) --
Selected Issues

Proposal No. 55 resulted from a request by the Secretary of Transportation that an interim study be directed to certain "governance" issues related to implementation of the accelerated highway program approved by the 1989 Legislature. Initially, the Secretary identified 14 items for consideration. Subsequently, the Department of Transportation (KDOT) narrowed to three the list of items that it especially wanted the Committee to consider. They were:

1. **Utility Easements.** KDOT asked for authority to advance moneys to a utility whose facilities were being moved, modified, or relocated as a result of highway projects. This is intended to provide financial assistance to those utilities which may not have readily available funds for relocation purposes. KDOT also requested authority to condemn land for utility easement purposes. At present there is ambiguity regarding KDOT's authority to acquire by purchase or condemnation utility easements adjacent to highway rights-of-way.
2. **Enhanced Authority to Acquire Fee Simple Title by Eminent Domain.** At present, by eminent domain, KDOT can only acquire permanent easements for highway rights-of-way, borrow pits, and access way. KDOT asked for authority to enable it to condemn such properties for fee simple title. Additionally, KDOT requested authority to condemn for fee simple title (a) tracts or remnants of land which are more economical to purchase in their entirety than to pay the assessed damage to any remainder and (b) land required to replace any land used which is designated wetlands, wildlife refuges, or parks.
3. **Reemployment of Certain Recently Retired Personnel.** KDOT requested statutory relief from the present restriction which requires that certain retired employees under KPERS give up their retirement benefits if they return to service with the same employer and earn more than \$6,000 annually.

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T&U
1-16-90

Committee Recommendations

The Committee made the following recommendations:

1. **KDOT Authority Pertaining to Utility Easements.** The Committee recommended legislation designed to permit KDOT, based on demonstrated need, to advance funds to utilities to expedite relocation activities. A limit of \$20,000 would be placed on the amount which could be advanced to any single utility on any one project, and the maximum repayment period would be 60 months. Interest on the loan would be in accordance with that applicable to judgments rendered against the state or any agency or political subdivision. KDOT would be expected by rule and regulation to establish demonstration of need procedures.
2. **KDOT Authority to Acquire Property in Fee Simple Title for Highway Purposes.** The Committee recommended legislation to grant KDOT authority to acquire property for highway purposes by fee simple title through eminent domain, but only for property located within a city.
3. **KDOT Authority to Reacquire Services of Certain Newly Retired Employees.** The Committee recommended legislation to modify the \$6,000 annual cap on the amount a person retired from state employment after July 1, 1988 can earn from reemployment with the state without suspension of the employee's KPERS benefits. The proposed new cap, applicable to all similarly situated KPERS participants, would be increased to the earnings cap (before the benefits penalty applies) applicable to Social Security recipients who retire with full benefits of age 65. Currently, that cap is \$9,300.

MEMORANDUM

Kansas Legislative Research Department

Room 545-N - Statehouse
Topeka, Kansas 66612-1586
(913) 296-3181

January 11, 1990

To: Senate Committee on Transportation
and Utilities

Re: Proposed Legislation Carried Over from 1989 to the 1990 Session

S.B. 124 (Senator Kanan)

S.B. 124 would require that the Secretary of Transportation place the name of the Governor on all highway signs welcoming people to Kansas.

S.B. 131 (Senate Committee on Transportation and Utilities)

S.B. 131 would exempt mobile homes and travel trailers used as living quarters and not operated on the highway from motor vehicle registration. (1989 H.B. 2177 enacted the proposed provisions of S.B. 131)

S.B. 161 (Senator Petty)

S.B. 161 would provide that no person shall drive a taxicab without a drivers license and a taxicab operator endorsement. The Division of Vehicles shall not issue a taxicab endorsement to a person who:

1. is under age 18;
2. currently has a license suspended or revoked;
3. is a habitual drunkard, habitual user of narcotic drugs, or habitual user of any other drug;
4. has previously been adjudged to be afflicted with or suffering from a mental disability or disease;
5. has been convicted of a felony in this state or any other state; or
6. has had the driver's license revoked during the immediate preceding five years.

The fee for this endorsement is \$3.00.

ATT. 2
T&U
1-16-90

S.B. 188 (Senator Parrish, et al)

S.B. 188 would permit retired members of the Kansas National Guard to obtain the National Guard license plate.

S.B. 201 (Senator Martin)

S.B. 201 would provide that every public utility which provides electric power for sale to consumers in this state and generates power from coal-fired plants located in this state must burn a mixture of coal that contains a minimum of 10 percent Kansas mined coal as calculated on a per tonnage basis.

S.B. 209 (Senators Morris and Francisco)

S.B. 209 would exclude school buses leased and operated by a school district or a nonpublic school from the definition of "motor vehicle." Thus, this amendment would exempt such school buses from the special fuel tax.

S.B. 343 (Senate Committee on Education)

S.B. 343 would provide that the Division of Vehicles of the Department of Revenue 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 within 30 days of the notice date, unless proper documentation is received.

S.B. 353 (Senate Committee on Ways and Means)

S.B. 353 would require a licensee's thumb print as information required to be contained on a Kansas driver's license.

S.B. 360 (Senate Committee on Ways and Means)

S.B. 360 would provide for the issuance of a distinctive license plate to recipients of the Congressional Medal of Honor. Satisfactory proof must be submitted to the Director of Vehicles prior to issuance.

**S.B. 369, (Senate Committee on Federal
and State Affairs)**

S.B. 369 would permit the Division of Vehicles of the Department of Revenue to deny, suspend, revoke, or cancel a person's driving privileges if the person has had a seizure within the preceding 12-month period. That person's driving privileges would

be reinstated if the person proves he or she had not had a seizure for at least 180 days from the date of the last seizure.

**H.B. 2119 (Representative Empson, as Amended by
House Committee on Transportation)**

H.B. 2119 would provide for the transfer of personalized license plates to a spouse, son, or daughter when the title to the original vehicle also is being transferred to one of these family members. The fee for this transfer is \$1.50.

**H.B. 2174 (Representative Dillon, as Amended by
House Committee of the Whole)**

H.B. 2174 would authorize a distinctive license plate to be issued to survivors of the attack on Pearl Harbor. Persons requesting such plates would be required to submit satisfactory proof to the Director of Vehicles, demonstrating that the applicant:

1. was a member of the U.S. Armed Forces on December 7, 1941;
2. was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the Island of Oahu, or not more than three miles offshore therefrom;
3. was honorably discharged; and
4. has been approved by the chairperson of the Kansas Survivors Association as being a survivor of the attack on Pearl Harbor.

**H.B. 2192 (Representatives Bryant and Crowell, as
Amended by Senate Committee on Transportation
and Utilities)**

H.B. 2192 would provide that prior to July 1, 1990, the Kansas Department of Transportation may install rumble strips at all railroad crossings located on highways which are part of the state highway system and protected only by signs in the form of crossbucks.

**H.B. 2320 (Representative Hensley, et al, as
Amended by Senate Committee on Transportation
and Utilities)**

H.B. 2320 provides that the Secretary of Transportation may designate state highway construction contracts or portions thereof to be set aside for competitive bids by disadvantaged business enterprises.

The act contains a sunset provision of July 1, 2001. (1989 H.B. 2014 contains a provision which accomplishes the objective of H.B. 2320.)

**H.B. 2328 (Representative Roy, as Amended by
House Committee of the Whole)**

H.B. 2328 stipulates that a contract entered into by the Secretary of Transportation to perform work on a highway or a bridge located in an incorporated city abutting property which is zoned for commercial use and having a project completion time in excess of one month must contain incentive provisions for early completion of the contract and disincentive provisions for late completion of the contract. The provisions do not apply if federal restrictions would require otherwise.

**H.B. 2552 (House Committee on Taxation,
as Amended by House Committee on
Transportation)**

H.B. 2552 deletes the notary requirement for assignment of a certificate of title.