

Approved 2-27-90
Date

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 February 22, 1990 in room 254-E of the Capitol.

~~All members were present except:~~ Members present:

Senators Morris, Doyen, Francisco, Hayden, Kanan, F. Kerr, Sallee, Thiessen and Vidricksen.

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:

Rep. Artie Lucas
Terry Gibson - N.E. Kansas Dump Truckers Association
Al Maxwell, Kansas Corporation Commission
Ed DeSoignie, Kansas Contractors Association

Hearing on S.B. 658 - Regulating certain motor carriers.

Rep. Lucas said there was a problem for truckers in Kansas who are engaged in the hauling of sand and aggregate. They were finding it difficult to compete for contracts with out-of-state truckers on construction contracts because the out-of-state truckers were able to underbid them. The reason for this was because taxes in border states are lower than in Kansas and therefore they could haul for less. This bill would address the problem. A copy of his statement is attached. (Attachment 1).

Terry Gibson spoke of the problems the truckers in Northesast Kansas are having and they are requesting to be put under KCC rules and regulations. He spoke of the high personal property taxes on their trucks and the higher cost of fuel they pay in Kansas as compared to just a few miles across the border in Missouri. A copy of his statement is attached. (Attachment 2).

Al Maxwell said this bill would provide for KCC regulation of transportation of sand, gravel, slag stone, limestone, and other similar commodities. They do not oppose the bill but passage would result in an undeterminable amount of increased KCC motor carrier authority applications and equipment registration. This would increase the work load, postage costs and tag costs. A copy of his statement is attached. (Attachment 3).

Ed DeSoignie said this was a major policy change and his Association did not know whether it would be beneficial or harmful but it would affect the industry. They have been unable in this short time to gather the information necessary to make a decision on this bill. They were asking for more time to determine the effects of S.B. 658 on their Kansas businesses. A copy of his statement is attached. (Attachment 4).

Mary Turkington said this was a problem along the whole border and not just the northeast corner of the state.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,

room 254-F Statehouse, at 9:02 a.m./~~p.m.~~ on February 22, 1990

Action on S.B. 573 - Harvest permits.

Bruce Kinzie had balloon copies of S.B. 573. A copy is attached. (Attachment 5). He explained all the changes that had been made. Everyone that had been involved in the bill had agreed to it. This included the truckers, custom combine people, and people involved with safety. There was a comment that the out-of-state people had not been involved. The revisor said this bill would be better for them and would be less hassle for them. Sen. Frahm said they had gone overboard on working with out-of-state people and felt this bill could be a model for other states to follow. A motion was made by Sen. Hayden to adopt the amendments in the balloon copy of S.B. 573. Motion was seconded by Sen. Francisco. Motion carried.

A motion was made by Sen. Sallee to recommend S.B. 573 as amended favorably for passage. Motion was seconded by Sen. Hayden. Motion carried.

Action on S.B. 616 - Obscene bumper stickers.

This bill had come back to the committee for reconsideration. It was felt that the definition of obscene was too vague so the revisor had a proposed amendment which would define the word "obscene". A copy of the proposed amendment is attached. (Attachment 6).

A motion was made by Sen. Francisco to adopt the proposed amendment. Motion was seconded by Sen. Sallee. Motion carried.

A motion was made by Sen. Francisco that this amendment replace the conceptual motion made at a previous meeting regarding the seven forbidden words. Motion was seconded by Sen. Sallee. Motion carried.

A motion was made by Sen. Francisco and was seconded by Sen. Thiessen to approve the Minutes of February 20 and 21, 1990. Motion carried.

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 2-22-90 Place 254-E Time 9:02

GUEST LIST

NAME ADDRESS ORGANIZATION

PAM SOMERVILLE

TOPEKA

KDOT

Steve Gruber

Tecumseh

S. Gruber Dump Trucking

Mike Ketter

Topeka

'' ''

Jim Brown

Baldwin

'' ''

Mark Miller

Atchison

Truck Driver

Richard Bauer

Baldwin, KS

Truck Driver

Ray Hammes

Seneca, Kansas

Hammes Trucking

John Alfrey Jr.

Highland, KS

Alfrey Trucking

Shelby S. Maubel

Highland, KS

Maubel Trucking

T. J. Gibson

'' ''

Gibson Trucking

Sheila Fedko

KS Senate

J & D Thrall ^{Kerry} RR#1 Box 15 Thrall Trucks

W J Harrison 3523-E 9 Topeka H&J Trucking
Leon Harrison 3316 Dubert Topeka L. Harrison Trucking
Walt Harrison 5306 SW West Topeka Walt Harrison Trucking
Robert Munoz Munoz Trucking 115 N. Lake Topeka
Harold D. Bernhardt 5734 S.E. Stubbs Rd. Tecumseh, Ks. Mid-West Professional Services
John Davidson 2018^{SE} 13th Topeka Davidson Trucking
Clyde Insko RR1 LeCompton KS Insko Trucking
Manuel Munoz 720 Long Topeka, KS Munoz Trucking
Kenneth Boyler 1139 Forest Top., KS. Boyler TRKING
Arturo Munoz 2500 Penn Top. KS, Munoz Trucking
Alvin Harrison 1724 West Ave. Topeka KS HDB Cast. Inc.
Rafel E. Fraker 5324 S. Topeka Blvd (Topeka, KS) Fraker Trucking
Jim Eude 2140 NW 62 TOPEKA Kan J. Guber Trucking

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 2-22-90 Place 254-E Time 9:02

GUEST LIST

NAME	ADDRESS	ORGANIZATION
John Butler	Topeka	Ks. Contractors Assoc.
PAUL W. MATTHEWS	OKLA. CITY	HIGHWAY USERS FEDERATION
DAVID HORNBOCKER	TOPEKA	KHP
JACK TIERLE	Topeka	KCC
ED DE SOIGNIE	TOPEKA	KANSAS CONTRACTORS ASSOC.
B Wilson	Topeka	WILSON TRUCKING
F. J. Bowers	Topeka	79 I H
MIKE PIERSON	ORAWKIE	Trucking
LARRY JONES	TOPEKA	LARRY JONES TRUCKING
Ivan Thompson	TOPEKA	Trucking
Bob Bull	topeka	Trucking
Tom Whitaker	Topeka	Ks Motor Carriers Assn
MARY E. TURKINGTON	Topeka	" "
Rep. Artie Lutz	leg.	
GARY GRIFFINS	TOPEKA	KDOT

ARTIE LUCAS
REPRESENTATIVE, FORTY-NINTH DISTRICT
DONIPHAN COUNTY AND PARTS OF
BROWN, ATCHISON AND
JACKSON COUNTIES
608 E. VIRGINIA
RT. 1, BOX 170A
HIGHLAND, KANSAS 66035



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: ELECTIONS
ENERGY AND NATURAL
RESOURCES
TRANSPORTATION

TESTIMONY BEFORE THE SENATE
TRANSPORTATION AND UTILITIES COMMITTEE

SB 658

February 22, 1990

Mr. Chairman and members of the committee, thank you for allowing me to speak to you on SB 658. This bill was requested by several constituents in my district as a possible solution to a problem they had identified in the trucking industry.

They had explained to me that the truckers in Kansas who are engaged in the hauling of sand and aggregate, two nonregulated commodities in the state, were finding it to be more difficult to compete for contracts with out-of-state truckers on construction contracts because the out-of-state truckers were able to underbid them.

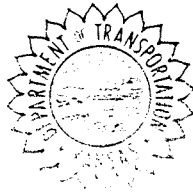
The reason they could do this was because taxes in border states are lower than in Kansas therefore they could haul for less. If however, these commodities were to become regulated and minimum rates to be established, they feel that the playing field on bids would be level and the competition more equal.

It is always my effort to do what ever I can to promote and assist Kansas businesses. I would hope we as legislators can find a way to help in this situation as well. Too many times we see small business unable to compete and this appears to be one area we might have the capability to make a change that could, not only help these truckers, but also possibly save the state some money on highway construction costs.

I would gladly try to answer any questions, but those to speak after me may be more knowledgable of the overall situation.

ATT. 1
T&U
2-22-90

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION

Horace B. Edwards
Secretary of Transportation

January 26, 1990

Mike Hayden
Governor of Kansas

The Honorable Artie Lucas
State Representative of Kansas
State Capitol Bldg., Rm. 181-W
Topeka, KS 66612

Dear Representative Lucas:

I am writing with reference to our conversation yesterday concerning Holloway Construction Co. and the fact they have been very slow paying their subcontractors and suppliers.

The Kansas Department of Transportation is making every effort to get this situation corrected and we will continue to do so.


I will keep you informed on the progress of this matter.

Also, I received a telephone call from John Alfrey of Highland, Kansas, concerning trucking demands. I gave him the names and telephone numbers of the appropriate contractor associations he should contact.

I told him he would need to deal directly with Herzog Construction on the issue of 15% reduction to them to do the trucking on US-36 project.

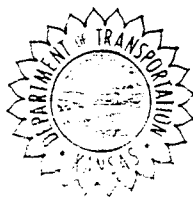
If you have any further questions on this or other issues, please contact me.

Yours truly,


JAMES D. JONES, P.E.
Director of Operations

JDJ:wab

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION

Horace B. Edwards
Secretary of Transportation

February 14, 1990

Mike Hayden
Governor of Kansas

Col. Donald L. Pickert
Kansas Highway Patrol
122 SW 7th Street
Topeka, KS 66603-3847

Dear Col. Pickert:

The Kansas Department of Transportation has been informed of possible violations in the past of KCC Permits and fuel cards for truckers performing hauling on our projects in Doniphan County.

We want to assure that trucks hauling for KDOT in this area have all the proper permits, etc. A major highway project on US-36 from Troy west should start early this spring and we would like your help in assuring that the truckers meet all the requirements of Kansas law.

Our District Engineer Rex Gary can provide you with information as to when the work will begin. If you wish, you may contact him at the KDOT District Office, 121 West 21st Street, P. O. Box 5128, Topeka, KS 66605-0128. Telephone No. 296-3881.

Yours truly,

A handwritten signature in dark ink, appearing to read "Horace B. Edwards", is written over the typed name.

HORACE B. EDWARDS
Secretary of Transportation

cc: Rex E. Gary, District Engineer
bc: Representative Artie Lucas ✓

Good morning, my name is Terry Gibson, and I'm here before you this morning representing the North East Kansas Dump Truckers Association.

My task this morning is to try and explain to you why we want to bring our particular type of trucking under the rules of the Kansas Corporation Commission.

These suggestions that I will offer you have been thought out by many hundreds of years of total "on the job" trucking experience. In other words, these suggestions are from us, the ones who actually turn the wheel and shift the gears.

Please consider as you hear our testimony, that we might not be as elegant or as informed "actually" as some of the other people here today - but understand we speak the truth and from experience.

Now, as for the general condition of dump trucking in the State of Kansas, as we the drivers see it, IT'S TERRIBLE!

We believe that the majority of the dump trucks on the road now would fail to meet the new safety requirements that are to be imposed on us this coming year. We will admit to you here today the majority of us operate overloaded when we feel safe to do so - the reason being - to try and make a living. In essence we are destroying the very roads we are hired to rebuild.

A few years ago I would have been one of the first to say "Keep the KCC out"- for more government in any business only leads to more red tape, more government employees, and therefore more headaches for us, the owner operators.

But now after seeing the quickening evolution for the worst, I feel we, the grass root people involved, must speak out for the trucking industry in Kansas.

Now for the problems as we see them.

Decreased revenue and increased operating expenses. The rates for trucking have simply not increased as rapidly as the expense of operating the unit have. Therefore the quality and safety of the dump trucks on Kansas highways have deteriorated. We're no different then the airplanes that are falling from the sky or the farmers that are going broke, or whoever else is caught in the vicious cost of doing business squeeze - as well as farmers will farm until their broke - we will truck until we're broke. We love it, its the way we make a living and we'll continue doing it as long as we can. But why must it be the way? We feel that with a very limited involvement, you could set the course of dump trucking towards the better not the worst, as it is heading now.

ATT. 2
T&U
2-22-90

Now as far as what and why we would like to see you do.

Bring dump trucking under KCC rules regulations and rates.

Why? I live in Doniphan County Kansas. Buchanan County Missouri is 27 miles to my east. Diesel in Buchanan Co. Mo. is about 23 to 27 cents per gallon. In Doniphan County, it's about \$1.27 to \$1.33 per gallon. That's about 17 1/2 cents a gallon higher at home. It's not only the higher Kansas fuel tax, but also the higher cost of doing business in Kansas that makes for this difference.

The same thing is happening to our South by Oklahoma trucks, to the North by Nebraska trucks as well as to the East by Missouri trucks.

*Fuel Taxes higher
Didn't mention Colors 10*

I called Buchanan County Missouri last week and asked for the personal property tax assessment on a new Ford Rock Truck and Pup. Even under the highest library tax in the city of St. Joe, it was only \$729.73 for the unit. If I bought the same truck at home in Doniphan County Kansas, the personal property tax would be \$2,175.00. That is \$2,435.22 more in KA than in Missouri. Insurance, Unemployment taxes, fuel, personal property taxes, tags - all these things are higher at home, then they are to my neighbors only 27 miles to the east.

In other words, I cannot compete with a Missouri Trucker on a job in my home county of Doniphan - his cost is simply less!

What can you do? Bring aggregates under KCC rules, regulations and rates. Charge out of state trucks a daily or weekly personal property rate equal to what we pay - See that they pay our fuel tax - find out why our insurance is so much higher - in other words, set the rules out so we both are playing the same game, with the same chances of success.

We are prohibited from hauling in Missouri or Nebraska now without obtaining a PSC or Nebraska Power Permit. In other words we are asking you to do unto our neighbors as they are doing unto us.

I have a PSC for Missouri, it cost me \$2,000.00 plus \$500.00 legal fees to haul aggregates within a thirty six mile radius of Marysville, Mo. I quit and came home (even though I was legal) because I was worried about myself and my trucks safety. This is one of the reasons Kansas trucks do not go into Missouri.

Now we come to rates. What we are proposing is rather drastic for Kansas that is, but not for the majority of the United States. What we are asking is for a minimum and maximum rate schedule.

Why a minimum? If you are going to tax us as you have, if you are going to require us to meet certain safety requirements as you are going to, we ask you to set a minimum rate that will allow a trucker to make a living plus be able to keep his truck up to the desired safety standards.

*"We" do not
set your
mill levy
taking districts*

Then if you find one of us out there (and you will) that isn't up to snuff on the safety requirements, fine us \$500.00 to \$1,000.00 - what ever it takes to get the point across - Look, we gave you a chance, get with the program.

Now what are these rates? I believe you all have a copy of these - These rates are simply the Missouri PSC Rates adopted in 1986 by the State of Missouri. I believe you will all agree with me that Missouri has good roads - they were built by trucks using these rates - they are to increase this year, but we are asking for Missouri's 1986 rates in Kansas in the 90's. I feel we're not being unreasonable in our request. A Missouri truck using these rates will still keep more money than a Kansas truck because of the lower cost of doing business, but we have to start somewhere and we feel this is as good a place to start as any.

Now will this cost the State more money to build roads in Kansas?? We think not, but we don't actually know. Why? Because the hauling is not separated out in the current way Kansas DOT is accepting bids for road construction. We feel it should be. For an example, the State of Missouri felt the highway contractors were over charging them for a foot of asphalt laid, so they made them separate the hauling so that it could be bid on by independent truckers and therefore the most competitive bid, within the rates set by the PSC, could be selected.

There is more but I will not take up any more of your time today, but we would like to be actively involved in helping you reach a decision on this matter. As it stands now, we the North East Kansas Dump Truckers Association are FOR you regulating the hauling of aggregates in Kansas ONLY IF SOME OF THE OTHER PROBLEMS I'VE TALKED ABOUT CAN BE ADDRESSED. We would not be for regulation just for regulation sake - we're not here to create more state jobs and more state taxes unless you provide a way for us to pay them.

Please call on us if we can answer any questions from the drivers point of view.

Thank you,

Terry J. Gibson
P.O. Box 363
Highland, KS 66035
913/442-3221

PROPOSED TRUCKING RATES - STATE OF KANSAS

Miles	1 Dirt or Clay		2 8 inch or Larger Rip-Rap		3 Asphalt & Spread Rock		4 Stockpile		5 City Hauling		6 City Stockpile		7 Ag Lime	
	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
1	48		88	99	90	100	75	84	88	99	77	86	85	
2	58		101	113	103	115	86	97	101	113	89	100	98	
3	69		114	128	116	130	97	109	114	128	100	112	111	
4	78		126	141	128	143	107	120	127	143	110	124	123	
5	89		138	155	140	157	118	133	139	156	122	137	135	
6	99		151	170	153	171	128	144	152	171	132	148	148	
7	109		163	183	165	185	138	155	165	185	142	159	160	
8	118		175	197	177	198	147	165	177	199	161	170	172	
9	129		187	210	189	212	157	176	190	213	162	182	184	
10	139		201	226	201	225	167	188	202	227	172	193	196	
11	148		212	238	213	239	176	198	214	240	181	203	208	
12	160		222	249	223	250	185	208	225	253	191	214	218	
13	167		233	262	234	262	194	218	236	265	200	225	229	
14	175		243	273	244	273	202	227	246	276	208	234	239	
15	184		254	285	255	286	211	237	258	290	217	244	250	
16	193		264	296	264	296	219	246	267	300	226	254	259	
17	202		274	308	274	307	228	256	277	311	235	264	269	
18	211		285	320	283	317	235	264	286	321	242	272	278	
19	220		295	331	292	327	243	273	296	332	250	281	287	
20	228		306	344	299	335	251	282	303	340	259	291	294	
21	234		314	353	307	344	257	289	311	349	265	298	302	
22	240		321	360	314	352	264	296	318	357	272	305	309	
23	246		329	369	322	361	272	305	327	367	280	314	317	
24	254		337	378	329	369	278	312	334	375	286	321	324	
25	260		344	386	337	378	286	321	342	384	295	331	332	
26	266		352	395	345	387	293	329	350	393	302	339	340	
27	272		360	404	352	395	299	336	357	401	308	346	347	
28	279		367	412	360	404	307	345	366	411	316	355	355	
29	284		375	421	368	413	314	353	374	420	323	363	363	
30	288		383	430	375	421	320	359	381	428	330	371	370	
31	294		390	438	383	429	328	368	389	437	338	380	378	
32	299		398	447	390	437	334	375	397	446	344	386	385	
33	306		406	456	398	446	342	384	405	455	352	395	393	
34	312		413	464	406	455	349	392	413	464	359	403	401	
35	318		421	473	413	463	355	399	420	472	366	411	408	
36	322		429	482	421	472	363	408	425	477	374	420	416	
37	329		436	490	429	481	370	416	437	491	381	428	424	
38	334		444	499	436	489	377	423	444	499	388	436	431	
39	339		452	508	444	498	384	431	452	508	396	445	439	
40	346		459	515	451	506	391	439	459	515	403	453	446	
41	351		467	524	459	515	398	447	468	526	410	460	454	
42	356		475	533	467	524	405	455	476	535	417	468	462	
43	363		482	541	474	532	411	462	483	542	423	475	469	
44	368		490	550	482	541	419	471	491	551	432	485	477	
45	374		498	559	490	550	426	478	500	562	439	493	485	
46	380		505	567	497	558	433	486	507	569	446	501	492	
47	385		513	576	505	567	440	494	515	578	453	509	500	
48	390		520	584	512	574	447	502	522	586	460	517	507	
49	396		528	593	520	583	454	510	530	595	468	526	515	
50	402		536	602	528	592	461	518	539	605	475	533	523	

Miles	Silt or Clay		8 inch or Larger Rip-Rap		Asphalt & Spread Rock		Stockpile		City Paving		City Stockpile		Average	
	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max	Min	Max
51	407		543	610	535	600	469	527	541	608	483	542	530	
52	411		551	619	543	609	475	533	549	617	489	549	538	
53	418		559	628	550	617	482	541	556	624	496	557	545	
54	422		566	636	558	626	490	550	564	633	505	567	553	
55	428		574	645	566	635	496	557	572	642	511	574	561	
56	434		582	654	573	643	503	565	579	650	518	582	568	
57	439		589	661	583	652	510	573	588	660	525	590	576	
58	446		597	670	589	661	517	581	596	669	533	599	584	
59	451		605	679	596	669	525	590	603	677	541	608	591	
60	456		612	687	604	678	531	596	611	686	547	614	599	
61	463		620	696	611	686	538	604	618	694	554	622	606	
62	471		628	705	619	695	546	613	626	703	562	631	614	
63	478		635	713	627	704	552	620	634	712	569	639	622	
64	483		643	722	634	711	559	628	642	721	576	647	629	
65	491		651	731	645	724	567	637	653	733	584	656	640	
66	497		658	739	650	729	573	643	658	739	590	663	645	
67	502		666	748	657	737	581	652	665	747	598	672	652	
68	511		674	757	665	746	587	659	673	756	605	679	660	
69	517		681	765	672	754	594	667	680	764	612	687	667	
70	522		689	774	680	763	602	676	689	774	620	696	675	
71	528		697	783	688	772	608	683	704	791	626	703	683	
72	534		704	791	695	780	616	692	707	794	634	712	690	
73	540		712	800	703	789	623	700	712	800	642	721	698	
74	549		720	809	710	797	629	706	719	807	648	728	705	
75	555		727	816	718	806	637	715	727	816	656	737	713	
76	561		735	825	726	815	644	723	735	825	663	745	721	
77	566		743	834	733	823	650	730	743	834	670	752	728	
78	573		750	842	741	832	658	739	751	843	678	761	736	
79	584		758	851	749	841	664	746	759	852	684	768	744	
80	589		766	860	756	848	672	755	766	860	692	777	751	
81	596		773	868	764	857	679	763	774	869	699	785	759	
82	602		781	877	771	865	685	769	781	877	706	793	766	
83	611		789	886	779	874	693	778	789	886	714	802	774	
84	617		796	894	787	883	700	786	798	896	721	810	782	
85	623		804	903	794	891	707	794	805	904	728	818	789	
86	629		812	912	802	900	714	802	813	913	735	825	797	
87	638		819	920	810	909	721	810	821	922	743	834	805	
88	644		827	929	817	917	728	818	828	930	750	842	812	
89	650		835	938	825	926	735	825	836	939	757	850	820	
90	656		842	946	832	934	741	832	844	948	763	857	827	
91	665		850	955	840	943	749	841	852	957	771	866	835	
92	671		858	964	848	952	756	849	860	966	779	875	843	
93	678		865	971	855	960	763	857	867	974	786	883	850	
94	687		873	980	863	969	770	865	875	983	793	891	858	
95	693		881	989	871	978	777	873	883	992	800	898	866	
96	705		888	997	878	985	784	880	890	999	808	907	873	
97	711		896	1006	886	994	791	888	899	1010	815	915	881	
98	718		903	1014	893	1002	799	897	906	1017	823	924	888	
99	723		911	1023	901	1011	805	904	914	1026	829	931	896	
100	730		919	1032	909	1020	812	912	922	1035	836	939	904	

RATES FOR OVER 100 MILES SHALL BE DETERMINED AS FOLLOWS:

- Col. 1-Rate per ton will be 730 plus 6.0 cents for each mile over 100.
- Col. 2-Rate per ton will be 919 plus 7.7 cents for each mile over 100.
- Col. 3-Rate per ton will be 904 plus 7.6 cents for each mile over 100.
- Col. 4-Rate per ton will be 812 plus 6.6 cents for each mile over 100.
- Col. 5-Rate per ton will be 922 plus 7.8 cents for each mile over 100.
- Col. 6-Rate per ton will be 836 plus 6.8 cents for each mile over 100.
- Col. 7-Rate per ton will be 1039 plus 8.8 cents for each mile over 100.

Application

The rates and charges provided herein are for the transportation of bulk commodities in dump trucks.

Distances

The rate-making distance shall be from the point of loading to the point of unloading as determined from speedometer readings or from accurately scaled county or state highway maps. Where a rate is not shown for the exact distance so determined, use rate for the next greater distance that is shown.

In ascertaining the rate-making distance where dual highways with limited opportunity for crossover, or for other reasons beyond the control of the carrier, make it impossible for the empty vehicle to return to the origin of the loaded haul over the same route, the rate-making distance will be the average of the loaded and empty miles traveled.

Where five or more loads are to be transported to a roadway construction or maintenance project, the rate-making distance for each load may be the average of the longest and shortest of such hauls.

When in the opinion of the carrier and consent of the shipper it is more economical to haul a larger load and bypass a supplemental bridge, the rate-making distance for each load will be the average of the shortest alternate route for delivery and the distance of the return trip whereby the empty vehicle can cross the supplemental bridge.

Loading and unloading

At the rates named herein, shipments shall be loaded at origin by the shipper and shall be unloaded (dumped) at destination by carrier.

When for the any reason, not within the control of the carrier, the time consumed in loading and unloading or waiting to load or unload averages more than fifteen minutes for each load transported for the same shipper during the course of a day, all such time in excess of fifteen minutes per load shall be charged for at the hourly rates provided in Section 2. In no case shall a charge be made for waiting time prior to the hour at which a carrier is requested to commence transportation or after the truck is released.

Minimum weight per load

Except as otherwise specifically provided, in determining the charges at the distance rates herein provided a minimum weight of 14,000 pounds per load shall be observed.

Rates per yard

Where transportation charges are to be paid by the cubic yard, first determine the applicable rate in cents per ton and convert to cents per yard by multiplying by the factor 1.25, except when the actual weight per yard is determined in which case the conversion factor shall be the ratio of the actual weight per yard to 2,000 pounds.

Minimum rate and revenue provisions

Except as hereinafter provided the minimum rate shall be 80 cents a ton.

On those jobs of such volume that application of a 80-cent minimum rate would result in gross transportation revenue per truck per day of at least the amount shown in Column B opposite the appropriate vehicle description in Column A, said minimum rate will not apply and charges will be computed on the basis of the applicable rate in Section 3 hereof at the weight actually transported, subject to a minimum daily revenue per vehicle as shown in Column B opposite the appropriate vehicle description in Column A.

When such a job is suspended, because of inclement weather, equipment breakdown, or the truck is withdrawn from service by the carrier, the minimum rate will not apply even though the truck earns less than the minimum gross revenue per day as provided herein. In the event of a partial day's operation, the minimum revenue per truck shall be not less than the amount shown in Column C opposite the applicable vehicle description, for each hour of operation as computed to the nearest quarter hour.

<u>Vehicle Description</u>	<u>Minimum Revenue Per Day</u>	<u>Minimum Revenue Per Hour</u>
Vehicle of not less than seven tons but less than twelve tons capacity	\$101.20	\$13.20
Vehicle with not less than twelve tons capacity	\$122.10	\$15.29
Combination of vehicles having a combined total capacity of not less than twenty tons	\$181.39	\$22.77

Impractical or uneconomical operations

The carrier reserves the right to refuse any shipment from and to points where the conditions of the surface makes truck operation impracticable.

When in the opinion of the carrier the transportation of any load is over streets, roadways or surfaces that are in such condition by reason of the grade, surfacing, width or congestion, as to cause undue wear and tear on carrier's equipment and to consume an excessive amount of time or presents a hazard to the operator, such transportation will be performed only upon assurance of additional compensation to cover such excessive wear and tear, time consumed or other hazard in an amount agreed upon by shipper and carrier but in no event to exceed fifteen percent of the otherwise applicable rate herein provided.

SECTION 2 - HOURLY RATES

For the hauling of dry-mix concrete materials in batch lots and for other transportation when the weighing of the lading or determination of the cubical content thereof is impossible or impracticable, where the time consumed in

loading and unloading consistently exceeds fifteen minutes per load, and in other instances where transportation at the distance rates in Section 3 is impractical the following hourly rates will apply.

<u>Vehicle Description</u>	<u>Minimum Per Hour</u>	<u>Maximum Per Hour</u>
Vehicle of not less than seven tons but less than twelve tons capacity	\$ 17.87	\$18.83
Vehicle with not less than twelve tons capacity	\$23.75	\$25.44
Combination of vehicles having a combined total capacity of not less than twenty tons	\$42.77	\$45.57

STATEMENT
BY THE
KANSAS CORPORATION COMMISSION

Regarding Senate Bill No. 658 which amends K.S.A. 66-1,109(m) to provide for economic regulation of transportation of sand, gravel, slag stone, limestone, etc.

Presented to the Senate Transportation and Utilities Committee, Senator Bill Morris, Chairman; Statehouse, Topeka, February 22, 1990.

Mr. Chairman and Members of the Committee:

My name is Al Maxwell. I am the Transportation Division Administrator for the Kansas Corporation Commission (KCC). I am here today representing the Commission regarding Senate Bill No. 658.

I would like to thank this Committee for the opportunity to testify today.

It is the Commission's understanding that Senate Bill No. 658 provides for the economic regulation of transportation of sand, gravel, slag stone, limestone, and other similar type commodities. At this time regulation of these commodities is exempt under K.S.A. 66-1,109(m). The Commission does not oppose this bill.

Passage of Senate Bill 658 will result in an undeterminable amount of increased KCC motor carrier authority applications and equipment registration. This will impact the Transportation Division operations in terms of increases in work load, postage

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costs and tag costs. However, we currently have no plans to increase staff, but rather try to absorb any additional work load with existing staff. Also revenues for authority applications and registration would increase.

Again, the Commission does not oppose this bill.

We will be pleased to respond to any questions the Committee may have.

THE KANSAS CONTRACTORS ASSOCIATION, INC.



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TESTIMONY

BY THE

KANSAS CONTRACTORS ASSOCIATION

Before the Senate Committee on Transportation and Utilities
Regarding Senate Bill 658; An Act Relating to Transportation of
Construction Materials

DIRECTORS

DICK BROWN
Salina, Kansas
R. H. KISTNER
Marysville, Kansas
DENIS KURTENBACH
Paola, Kansas
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Ulysses, Kansas
TOM RITCHIE
Wichita, Kansas
ORVILLE SPRAY, JR.
Great Bend, Kansas
CHARLES STRYKER
Topeka, Kansas
WAYNE VAN METER
Kansas City, Missouri
ROBERT WALSHIRE
Topeka, Kansas

Mr. Chairman, and members of the Senate Committee on Transportation and Utilities. Thank you for the opportunity to appear before you to provide some brief comments on Senate Bill 658.

My name is Ed DeSoignie. I am the Public Affairs Director of the Kansas Contractors Association. Our Association represents over 300 heavy, highway and municipal-utility contractor and associate member firms in the Kansas construction industry.

Senate Bill 658 would bring the transportation of construction-related materials under regulation of the Kansas Corporation Commission (KCC). These activities are presently exempted from KCC regulation. This we feel is major policy change which will affect construction activities.

While we know that the bill will affect the industry, we do not know whether the effects will be harmful or beneficial. Many Kansas firms in the construction industry will be affected from the for-hire carrier to the construction company with trucks for their own private use. We have been unable within this short time to gather the necessary information on the impact of this bill on our industry.

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STIMONY

before Senate Committee on Transportation and Utilities

Re: Senate Bill 658

Page Two

Mr. Chairman, and members of the Committee, we would like to be in a position of providing you with the information which you need to make a decision on this bill. Unfortunately, we presently do not have this information to provide you.

We need time to determine the effects of Senate Bill 658 on our Kansas businesses. We would then be in a position to either support or oppose the bill. We respectfully ask that no action be taken on Senate Bill 658 during this session of the legislature.

This concludes my prepared remarks. Thank you.

SENATE BILL No. 573

By Senator Frahm

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AN ACT relating to motor vehicles; providing for a harvest permit; amending K.S.A. 1989 Supp. 8-143b and 8-143h and repealing the existing sections.

and section 1 of this act

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

New Section 1. (a) The owner of any truck or truck tractor which is duly registered and licensed in some other state, or any duly registered and licensed farm truck in this state, engaged in farm custom operations and desiring to operate in intrastate commerce in this state for a temporary period only, may obtain a harvest permit, in lieu of the thirty-day license in K.S.A. 8-143b or 8-143h, and amendments thereto, authorizing the operation of such truck, truck tractor or farm truck on the highways of this state for a period ~~from May 1 through July 31 or from August 1 through December 15. A separate harvest permit shall be required for each time period.~~ For a foreign-based truck or truck tractor, the fee for each permit shall be \$26 or ~~1/8~~ of the annual license fee for such vehicle, whichever sum is the larger. For a registered and licensed farm truck in this state, the fee for each permit shall be ~~\$26~~. Where such fee is paid on a truck or truck tractor, no registration or fee shall be required for a trailer or semitrailer duly registered in this or another state and propelled by such truck or truck tractor. Application for such harvest permit shall be made to the division of vehicles of the department of revenue. The secretary of revenue may adopt rules and regulations to implement the provisions of this section.

harvesting

of not to exceed 60 days from the date of issuance of such permit

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\$52

harvesting

farm

operations

(b) For the purpose of this section, "farm custom operations" means a person, firm, partnership, association or corporation engaged in custom harvesting if the truck or truck tractor is used to:

only from a harvested field to initial storage or to initial market locations; or
(3) transport agricultural products produced by such owner or commodities purchased by such owner for use on the farm owned or rented by the owner of such vehicle.

(1) Transport farm machinery, supplies, or both, to or from a farm, for custom harvesting operations on a farm; ~~or~~
(2) transport custom harvested crops ~~to storage or market.~~

Sec. 2. K.S.A. 1989 Supp. 8-143b is hereby amended to read as follows: 8-143b. (a) Except as provided in section 1 and subsection (b), the owner of any truck or truck tractor which is duly registered and licensed in some other state, desiring to operate in intrastate

Attachment A

2 the licenses authorized by this act so that such licenses will be
3 obtainable at convenient locations. This section shall be construed
4 as supplemental to and a part of the motor vehicle registration laws
5 of this state.

6 Sec. 4. K.S.A. 1989 Supp. 8-143b and 8-143h are hereby
7 repealed.

8 Sec. 5. This act shall take effect and be in force from and after
its publication in the Kansas register.

5-2

Sec. 5. On and after January 1, 1991, section
1 of this act is hereby repealed.

New Sec. 2. (a) On and after January 1, 1991, any truck or truck tractor registered for a gross weight of more than 12,000 pounds which is engaged in farm custom harvesting operations may be registered in accordance with the schedule for such farm custom harvesting vehicles, but shall not be registered as a farm truck or farm truck tractor. The annual license fee for a farm custom harvesting truck or truck tractor shall be as follows:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$60
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	100
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	130
For a gross weight of more than 24,000 lbs. and not more than 30,000 lbs.	175
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	210
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	240
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	310
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	410
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	470
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	570
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	750
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	880
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,000

(b) A tab or marker shall be issued and displayed in

connection with the regular license plate for a truck or truck tractor registered as a farm custom harvesting truck or truck tractor.

(c) Trucks or truck tractors registered under this section shall be eligible for proportional registration under the provisions of K.S.A. 8-1,100 et seq., and amendments thereto.

(d) As used in this section, "farm custom harvesting operations" means a person, firm, partnership, association or corporation engaged in farm custom harvesting operations if a truck or truck tractor is used to:

(1) Transport farm machinery, supplies, or both, to or from a farm, for custom harvesting operations on a farm; or

(2) transport custom harvested crops only from a harvested field to initial storage or to initial market locations.

Sec. 3. On and after January 1, 1991, section 1 of this act is hereby amended to read as follows: Sec. 1. (a) The owner of any truck or truck tractor which is duly registered and licensed in some other state, ~~or any duly registered and licensed farm truck in this state,~~ engaged in farm custom harvesting operations and desiring to operate in intrastate commerce in this state for a temporary period only, may obtain a harvest permit, in lieu of the thirty-day license in K.S.A. 8-143b or 8-143h, and amendments thereto, authorizing the operation of such truck, or truck tractor ~~or farm truck~~ on the highways of this state for a period of not to exceed 60 days from the date of issuance of such permit. For a foreign-based truck or truck tractor, the fee for each permit shall be \$26 or 1/6 of the annual license fee for such vehicle, whichever sum is the larger. ~~For a registered and licensed farm truck in this state, the fee for each permit shall be \$52.~~ Where such fee is paid on a truck or truck tractor, no registration or fee shall be required for a trailer or semitrailer duly registered in this or another state and propelled by such truck or truck tractor. Application for such harvest permit shall be made to the division of vehicles of the department of revenue. The secretary of revenue may adopt rules and regulations to implement the provisions of this section.

(b) For the purpose of this section, "farm custom harvesting operations" means a person, firm, partnership, association or corporation engaged in farm custom harvesting operations if the truck or truck tractor is used to:

(1) Transport farm machinery, supplies, or both, to or from a farm, for custom harvesting operations on a farm;

(2) transport custom harvested crops only from a harvested field to initial storage or to initial market locations; or

(3) transport agricultural products produced by such owner or commodities purchased by such owner for use on the farm owned or rented by the owner of such vehicle.

And renumbering sections accordingly

PROPOSED AMENDMENT FOR S.B. NO. 616

(4) "Obscene" means the status of material which:

(A) The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest;

(B) depicts or describes, in a patently offensive way, sexually explicit conduct, as defined in K.S.A. 21-3516, and amendments thereto; and

(C) taken as a whole, lacks serious literary, artistic, political or scientific value.