

Approved 3-22-90  
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 March 20, 1990 in room 254-E of the Capitol.

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

Senators Morris, Francisco, Hayden, Kanan, F. Kerr, Martin, Rock, 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. David Heinemann  
Rep. Gilbert Gregory  
Larry Jochims, Historian, Kansas Historical Society  
Mark Wettig, Department of Revenue  
Tom Whitaker, Kansas Motor Carriers Association

Hearing on H.B. 2947 - Local retail sales taxes to finance highway enhancements.

Rep. Heinemann said this bill would authorize Finney County to issue revenue bonds for the purpose of paying all or any portion of the cost for the construction of highway projects identified as system enhancements. The bonds would be payable solely from the proceeds of a .25 percent countywide retailers' sales tax. Rep. Heinemann said this bill had been requested by Finney County because they were concerned about coming up with local funds. This bill would apply only to Finney County. Other counties may want to get in and he had no objection to that.

The Committee discussed the bill and concern was voiced about setting a precedent and this could be opened up statewide. Some felt this should be left to the Tax Committee. It was suggested that other counties are having the same problem and this would almost force other cities to do the same thing. This seems to have turned into a bidding thing for the highways and that was not the intent. It should be based on merit and not on how much money can be raised.

Hearing and Action on H.B. 2941 - Designating the Frontier Military highway.

Rep. Gregory said this highway designation was not an honorary memorial highway but a historic one and would promote tourism for southeast Kansas. A copy of his statement is attached. (Attachment 1).

Larry Jochims said this was originally a military and supply road and there are four historical sites that would benefit from the publicity. Historical features in our state should be emphasized whenever possible to educate our citizens in the history and culture that made the state. A copy of his statement is attached. (Attachment 2).

A motion was made by Sen. Hayden to recommend S.B. 2941 favorably for passage. Motion was seconded by Sen. Martin. Motion carried. Sen. Martin will carry this bill on the floor of the Senate.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,  
room 254-E, Statehouse, at 9:02 a.m./~~p.m.~~ on March 20, 1990

Hearing and Action on H.B. 2657 - Motor carriers, sight clearance.

Mark Wettig said this bill would allow motor carriers already in compliance with KCC, registration, and motor fuel tax statutes, to bypass Motor Carrier Inspection stations upon entering the state if they had gone through the certification process with the Department of Revenue. The current provisions are costly and difficult to enforce. A copy of his statement is attached. (Attachment 3).

Tom Whitaker said the Motor Carriers Association supports the bill as "sight clearances" have become a manual, clerical burden which is unnecessary. A copy of his statement is attached. (Attachment 4).

A motion was made by Sen. Martin to recommend H.B. 2657 favorably for passage and recommend it be placed on the Consent Calendar. Motion was seconded by Sen. Hayden. Motion carried.

Hearing and Action on H.B. 2656 - Imposing interest for underpayment of proportional registration fees.

Mark Wettig said this bill would have a provision so a fleet owner could request a hearing concerning unpaid fees or penalty before the Director of Vehicles. A penalty had originally been requested but it was deleted in the House. A copy of his statement is attached. (Attachment 5).

A motion was made by Sen. Hayden to recommend H.B. 2656 favorably for passage and recommend it be placed on the Consent Calendar. Motion was seconded by Sen. Rock. Motion carried.

Action on H.B. 2552 - Motor vehicle certificate of title, contents.

The Chairman said he had received a request from the Department of Revenue to report this bill adversely.

A motion was made by Sen. Rock to report H.B. 2552 adversely. Motion was seconded by Sen. Francisco. Motion carried.

A motion was made by Sen. Rock to approve the Minutes of March 14 and 15, 1990. Motion was seconded by Sen. Thiessen. Motion carried.

Meeting was adjourned at 9:40 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-20 Place 254-E Time 9:02

GUEST LIST

NAME	ADDRESS	ORGANIZATION
<i>Sam H. Machin</i>	120 W 10th	Ks State Hist. Sec.
George Barbee	Topeka	KS Consulting Engrs.
BEV BRADLEY	Topeka	KS Assoc of Counties
#1 Gerstner	Topeka	K DOR
Tom Whitaker	Topeka	Ks Motor Carriers Assn
M. Heave	"	Capital Journal
Pam Somerville	Topeka	KDOT
Gary Griffiths	Topeka	KDOT
Jean Barbee	Topeka	Food Industries Assn.
al m... ..	"	KCC
Marge Tunnicliffe	"	Kansas Motor Carriers Assn -
PAUL W. MATTHEWS	OKLA CITY	HIGHWAY USERS FEDERATION
Don Lemley	OSAWATOMIE	UTU
Ed De Soignie	Topeka	Kansas Contractors Assoc.

STATE OF KANSAS

GILBERT ERNEST GREGORY

REPRESENTATIVE, ELEVENTH DISTRICT  
BOURBON, CRAWFORD  
AND LINN COUNTIES  
STATE CAPITOL  
TOPEKA, KANSAS 66612  
(913) 296-7662



TOPEKA

HOUSE OF  
REPRESENTATIVES

SENATE COMMITTEE ON TRANSPORTATION

TESTIMONY

on

HOUSE BILL NO. 2941

March 20, 1990

by

REPRESENTATIVE GILBERT E. GREGORY

COMMITTEE ASSIGNMENTS

MEMBER: ECONOMIC DEVELOPMENT  
ELECTIONS  
TRANSPORTATION

120 S. NATIONAL  
FORT SCOTT, KANSAS 66701  
(316) 223-5025

House Bill No. 2941 will provide for designation of certain highways running along the eastern corridor of Kansas from Fort Leavenworth south to the Oklahoma border as the Frontier Military Highway. The precise route of the Frontier Military Highway is described by the attachments hereto.

The historic significance of this particular stretch along the eastern corridor is that the route to be designated hereby is the modern analogue of the 1830's-1840's military road used extensively during the Civil War. Located along the route are numerous Kansas State Historical Society sites and Civil War sites which are listed on the attachments.

The primary objective behind House Bill No. 2941 is to take one of many small steps toward an overall objective of promoting tourism in Southeast Kansas for economic development. Further, the Frontier Military Highway offers a means to link numerous historically significant attractions for the cultural and educational benefits of future generations.

ATT.1

T&U 3/20/90

Gilbert Ernest Gregory  
State Representative

# KANSAS

## FRONTIER MILITARY HIGHWAY

### ROUTE:

Beginning at the Main Gate of the Fort Leavenworth Military Reservation in Leavenworth, Kansas.

South on U.S. Highway 73 and Kansas Highway 7 to their junction with Kansas Highway 5.

Southeasterly on Kansas Highway 5 to its junction with Interstate Highway 435.

South, then East on Interstate Highway 435 to its junction with U.S. Highway 69.

South on U.S. Highway 69 to its junction with U.S. Highway 69 Alternate just North of Crestline, Kansas.

South on U.S. Highway 69 Alternate to the Kansas-Oklahoma border.

### MILITARY ROAD:

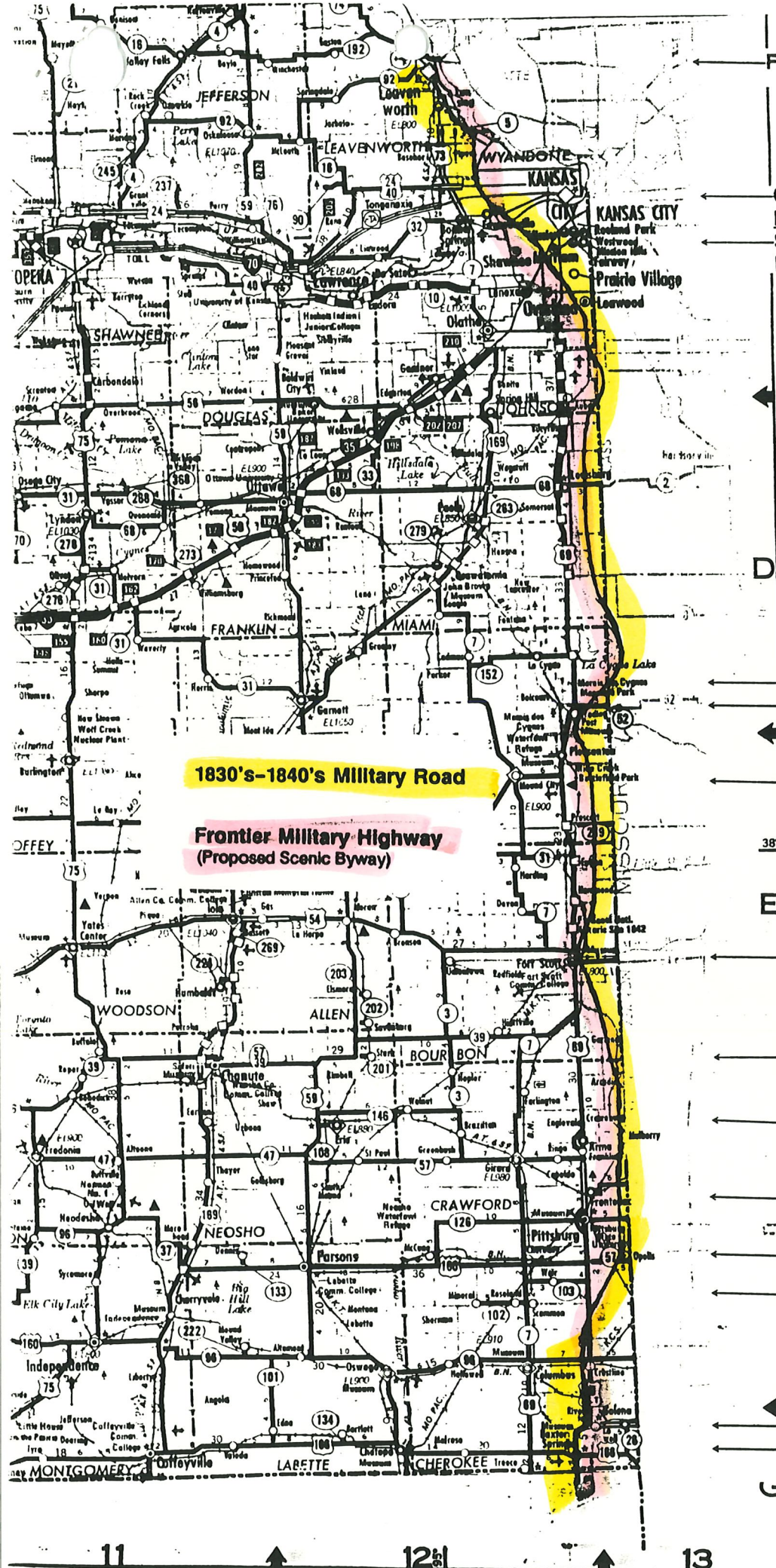
The Military Road was built in the 1830's and early 1840's along the "Permanent Indian Frontier". Historically significant in itself, the Military Road was a key route used by many important participants in early Kansas history. Historic sites along or near the route include Fort Leavenworth, Grinter's Ferry (KSHS\*), the Shawnee Methodist Mission (KSHS\*), the Marias Des Cygnes Massacre (KSHS\*), the Battle of Mine Creek (KSHS\*) \*\*, Fort Scott National Historic Site\*\*, Drywood Creek \*\*, the Osage Trail, Cow Creek \*\*, 19th. Century coal and lead mines, Big Brutus, the Spring River, and Baxter Springs (Civil War and historic cattle drives site).

### FRONTIER MILITARY HIGHWAY:

As the modern analogue of the 1830's-1840's Military Road, the Frontier Military Highway gives physical access to and a perceptual linkage between these important historic sites. It offers a means for telling the story of Kansas' border counties in a coherent fashion, thus improving the public's understanding of this historically rich area. The Frontier Military Highway would offer a means for Eastern Kansas communities to join together to attract more visitors to the region than might be attracted by otherwise isolated historic sites.

\* Kansas State Historical Society Site

\*\* Civil War Site



Fort Leavenworth

Grinter's Ferry  
 Kansas State Historical Society Site  
 Shawnee Methodist Mission  
 Kansas State Historical Society Site

1830's-1840's Military Road

Frontier Military Highway  
 (Proposed Scenic Byway)

Marias Des Cygnes Massacre (KSHS)  
 Trading Post

Battle of Mine Creek  
 Kansas State Historical Society Site  
 Civil War Site

Fort Scott National Historic Site  
 1840's Military Post  
 Bleeding Kansas and Civil War Site

Drywood Creek Civil War Site

The Osage Trail  
 American Indian Site

19th. Century coal and lead mines

Cow Creek Civil War Site

Big Brutus  
 One of three largest coal shovels  
 in the world.

Spring River  
 Baxter Springs  
 Civil War and cattle drive site

I am Larry Jochims, Historian at the Kansas State Historical Society. I appear before you in support of H.B. 2941 designating various highway routes along the eastern border of Kansas as the Frontier Military highway. Although these highways are not on the old Fort Leavenworth-Fort Scott road, they parallel that road sufficiently to justify the designation.

The original Fort Leavenworth-Fort Scott road was a military and supply road that served the posts that guarded the "permanent Indian frontier" which was a line from Minnesota to Texas and included the eastern border of Kansas. The posts served as the guard against white intrusion into Indian Territory and the military presence for controlling intertribal warfare. I would note that the "permanent Indian frontier" was a place designed to limit the "negative" influence of whites on Indians and where the tribes could undergo a gradual process of becoming christianized and civilized. The Mexican War, the opening of Oregon, the discovery of gold in California, and the drive for a transcontinental railroad route undermined the "permanent Indian frontier." In 1854, Kansas was made a territory without any land available for white settlement. Within two decades the territory had become a state and almost all Indian titles to land had been vacated.

We feel that heritage tourism, i.e. an emphasis upon history in promoting the state, is an important asset which the state should encourage. The state owns four sites that would benefit from this publicity, namely the Marais DeCygnes Massacre Park, the Mine Creek Battlefield, Shawnee Mission and the Grinter House. We should emphasize the importance of historical features in our state whenever possible to better ground our citizens in the history and culture that made the state.

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3/20/90

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**KANSAS DEPARTMENT OF REVENUE**

*Office of the Secretary*  
Robert B. Docking State Office Building  
Topeka, Kansas 66612-1588

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

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

**DATE:** March 20, 1990

**SUBJECT:** House Bill 2657

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I appreciate the opportunity to appear before you today in support of legislation requested by the Department of Revenue. House Bill 2657 is a Department bill concerning the repeal of motor carrier sight clearance.

BACKGROUND

Sight clearance was established in 1981 to allow motor carriers already in compliance with KCC, registration, and motor fuel tax statutes, to by-pass Motor Carrier Inspection stations upon entering the state if they had gone through the certification process with the Department of Revenue. The current sight clearance provisions are costly, difficult to enforce, and do not achieve their intended purpose.

A carrier may have been given sight clearance, yet some of the vehicles in it's fleet may not be properly registered in Kansas. Additionally, if a carrier is stopped by the Highway Patrol, they want to see the actual permits for that particular vehicle to make sure it is in compliance, not the sight clearance documents.

House Bill 2657 would eliminate the certification procedure involved in sight clearance, while leaving intact the authority for motor carriers to by-pass the inspection stations if they are in current compliance with KCC, registration, and motor fuel laws.

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RECOMMENDATION

The Department asks for the committee's support of House Bill 2657.

Thank you.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

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Presented to the Senate Transportation & Utilities  
Committee; Sen. Bill Morris, Chairman; Statehouse,  
Topeka, Tuesday, March 20, 1990.

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Supporting House Bill No. 2657 relating to  
inspection clearance for motor carriers.

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here this morning in support of House Bill No. 2657 requested by the Kansas Department of Revenue.

House Bill 2657 would eliminate the requirement that a motor carrier apply to the Secretary of Revenue for a specific "sight clearance" on vehicles which already are registered annually with the Kansas Corporation Commission. The "sight clearance" procedure was adopted to make certain that carriers did not have to stop at motor carrier inspection stations if such vehicles already were fully qualified to operate in and through Kansas.

As we understand it, issuance of such "sight clearances" has become a manual, clerical burden which is unnecessary if the carrier seeking the "sight clearance" has, in fact, registered such vehicles annually with the Kansas Corporation Commission.

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Such motor carriers must be in compliance with the state's registration, regulatory, motor fuel tax and related tax laws. Those who register annually with the Commission become "carriers of record" and can be cross-checked to make certain that the carrier does comply with all of the tax laws of the state.

Nothing in the bill relieves any person of the duty to stop at any motor carrier inspection station when it is necessary for such person to register under or comply with any of the laws of this state, or rules and regulations adopted thereunder, relating to the size and weight and load of motor vehicles and trailers, motor vehicle registration laws, registration and insurance laws, and requirements of the state corporation commission, motor fuel use tax laws, liquid fuel carriers tax laws or livestock inspection laws.

Further, nothing in the law prohibits the superintendent of the highway patrol or any member of the state highway patrol from stopping any or all motor carriers, trucks or truck tractors for the purpose of conducting spot checks to insure compliance with any state law or regulation.

The Kansas Motor Carriers Association supports House Bill 2657. We thank you for the opportunity to appear and would be pleased to respond to any questions you may have.

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

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

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

DATE: March 20, 1990

SUBJECT: House Bill 2656

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I appreciate the opportunity to appear before you today in support of legislation requested by the Department of Revenue. House Bill 2656 is what is left of a Department recommendation concerning underpaid motor carrier proportional registration fees.

BACKGROUND

House Bill 2656 contains a provision for the fleet owner to request a hearing concerning the unpaid fees or penalty before the Director of Vehicles.

RECOMMENDATION

The Department of Revenue urges the committee's support of House Bill 2656.

Thank you.

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