

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary K. Hayzlett at 1:30 p.m. on February 18, 1997 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Julian Efird, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Jackie Buchanan, Committee Secretary

Conferees appearing before the committee:

Senator Ben Vidricksen
Mary Kay Culp, Associate Director of Education, Kansas Catholic Conference
Malen E. Dowse, Colonel, Kansas Army National Guard
Representative Bruce Larkin
Representative Laura McClure for Dwight W. Smith, Superintendent, Unified School District No. 327, Ellsworth, KS

Others attending: See attached list

SB 17 - School bus definition; passenger requirement

Hearing was opened. The Chair called on Senator Ben Vidricksen who testified in support of **SB 17** which would allow for the transportation of school passengers in a motor vehicle or van. Current law allows for the transportation of ten or fewer passengers in a motor vehicle, and more than ten passengers in addition to the driver in a bus. **SB 17** would allow for the transportation of 14 or fewer passengers in a motor vehicle, and more than 14 passengers in addition to the driver in a bus. (Attachment 1)

Mary Kay Culp, Associate Director of Education, Kansas Catholic Conference, testified in support of **SB 17** as the vans are used in their schools, especially the high schools, for transporting students to and from extracurricular events. She noted the 14-passenger van was not available by the automotive industry when the present law was written. (Attachment 2)

Hearing was closed on **SB 17**.

HB 2243 - National Guard license plates, identification cards

Hearing was opened on **HB 2243**. The Chair called on Colonel Malen E. Dowse, Kansas Army National Guard, who presented testimony in support of **HB 2243** which would allow application and renewal of the current National Guard Distinctive License Plate using the Guard member's US Armed Forces Identification Card as proof of membership in the Kansas Army or Air National Guard, or as a retiree of either organization. Currently, the member must get the commander's signature on the form. Colonel Dowse noted that the use or possession of a card except as prescribed is unlawful and will make the offender liable to heavy penalty. (Attachment 3)

Chair called on Rick Scheibe, Kansas Department of Revenue, asking if their department had any objections to this bill, and he advised they did not.

Hearing was closed on **HB 2243**.

HB 2280 - School buses, exempting certain buses from certain requirements

Hearing was opened on **HB 2280**. The Chair called on Representative Bruce Larkin who testified in support

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 526 -S Statehouse, at 1:30 p.m. on February 18, 1997.

of the bill advised it provides three things. Any school bus in operation on July 1, 1994, and exceeds such 12-year period shall be exempt until July 1, 1998; any school bus which has been operated for less than 100,000 miles and passes an annual inspection, shall be exempt for a period of 16 years from date of manufacture; and any school bus which meets the definition of a spare school bus and passes an annual inspection shall be exempt for a period of 16 years from date of manufacture. The bill extends the period from 12 years to 16 from date of manufacture.

Representative Laura McClure presented testimony for Dwight W. Smith, Superintendent, Unified School District No. 327, Ellsworth, KS, in support of HB 2280 as it would allow them to continue to operate good buses with less than 100,000 miles for a period of 16 years from date of manufacture and save scarce education dollars. (Attachment 4)

Hearing was closed on HB 2280.

SB 2 - Extending the ethyl alcohol incentive program

The Chair opened SB 2 for discussion and final action. Representative Dillon made a motion to pass SB 2 favorably, seconded by Representative Flower.

Representative Powers made a substitute motion to table SB 2, Representative Aurand seconded motion. The motion failed.

The Chair called for a vote on Representative Dillon's motion to pass SB 2 favorably. Motion carried. Representative Powers requested to be recorded as voting no.

The Chair opened HB 2243 for discussion and final action. Representative Howell made a motion to strike the words "may as certified by the adjutant general" from lines 18 and 19 on page 1 of HB 2243. Representative Correll seconded the motion, and the motion carried.

Representative Dillon made a motion to pass HB 2243, as amended, favorably, Representative Humerickhouse seconded the motion, and the motion carried.

The Chair opened SB 17 for discussion and final action. Representative Shore made a motion to amend Sec. 3, line 21, from publication in the statute book to publication in the Kansas Register, Representative McClure seconded the motion, and the motion carried.

Representative Correll made a motion to pass SB 17, as amended, favorably, Representative Ray seconded the motion, and the motion carried.

Meeting was adjourned at 2:35.

The next meeting is scheduled for February 19, 1997.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: February 18, 1997

NAME	REPRESENTING
LARRY BLUTHARDT	KS DEPT. of ED
Barbara Pingle	Emporia
Amie Graves	Intern-Rep. Minor
Melba Edmuse	National Guard Assn of Ks.
Pam O'Toole	National Guard Assn. of Kansas
Chuck Budahl	Adjutant General's Dept.
Mary E. Turkington	Ks. MOTOR CARRIERS ASSN.
Ken Bels	Economic Lifelines
John C. Botterby	Ks Ethanol Assoc
Kelly Kuitala	City of Overland Park
Mary Kay Culp	Ks Catholic Conference
Denny Burgess	Charles Walker
Steve Blank	Hubbell + Assoc.
Brenda Park	Jonathan Small
Randy Evans	USD 431
Veryl Peter	KS ST. Dept. of Ed.
Jim Keele	RHS
Karen Quincey	KRB
Diane Waterworth	Division of the Budget.

BEN E. VIDRICKSEN
SENATOR, DISTRICT 24
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PART OF DICKINSON COUNTIES
1427 W. REPUBLIC
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FAX (913) 827-9546—BY REQUEST
STATE CAPITOL
TOPEKA, KANSAS 66612-1565
(913) 296-7390



TOPEKA

SENATE CHAMBER

Assistant Majority Leader

COMMITTEE ASSIGNMENTS
CHAIRMAN: TRANSPORTATION AND UTILITIES
VICE CHAIRMAN: JOINT COMMITTEE ON STATE
BUILDING CONSTRUCTION
CONFIRMATIONS
KANSAS TURNPIKE AUTHORITY
MEMBER COMMERCE
FEDERAL AND STATE AFFAIRS
INTERSTATE COOPERATION
ORGANIZATION, CALENDAR AND RULES
JOINT COMMISSION ON ARTS
AND CULTURAL RESOURCES
COUNCIL OF STATE GOVERNMENTS
GOVERNOR'S COMMISSION ON TRAVEL
AND TOURISM
NATIONAL CONFERENCE OF STATE
LEGISLATURES
LEGISLATIVE CONSULTANT TO KANSAS
FILM COMMISSION

TESTIMONY RE SB 17--HOUSE TRANSPORTATION COMMITTEE-2/18/97

Mr. CHAIRMAN - MEMBERS OF THE COMMITTEE:

The Bill would allow for the transportation of school passengers in a motor vehicle or van. The law currently allows for the transportation of ten or fewer passengers in a motor vehicle and more than ten passengers in addition to the driver in a bus. The introduced bill would allow for the transportation of 14 or fewer passengers in a motor vehicle and more than 14 passengers in addition to the driver in a bus.

It's only been a few years that we've had 14 passenger vans. The State of Kansas owns many such vans and so do many school districts.

For definitional purposes, the current definition of "school bus" contained in the Kansas Statutes Annotated and in the Federal Traffic and Motor Vehicle Safety Act are consistent. However, the Federal Act is applicable only to the manufacture, sale, delivery, or importation of new motor vehicles (including school buses), but is not applicable to the use of the vehicles by the unified school districts throughout the state of Kansas. The use of vehicles in transportation of students is, therefore, controlled by and subject to the laws of the state of Kansas, not the Federal Act.

Safety was a concern due to lack of safety equipment on vans. We all are familiar with school buses, flashing lights, signs, etc. That concern was countered with comment that vans are equipped with seat belts for all passengers; whereas most school buses are not.

*House Transportation
Attachment 1
2-18-97*

School bus laws are good - in no way will this compete with the picking up of kids with frequent stops, etc. This is not a school bus under the terms we refer to as "School Buses." I don't think there are any buses under 16 passengers. We have a bill following this to strengthen the laws regarding the signs and frequent stops of School Buses and some of the problems they are having. A hearing was held on this subject on Monday, February 17th to strengthen these laws such as passing when the lights are flashing by raising the fines and other measures.

The question came up about liability to the school districts. I had a large and very well known law firm research this for me. You have the testimony of that law firm with their opinion regarding insurance. I quote from the opinion.

TESTIMONY

S.B. 17

HOUSE TAXATION COMMITTEE
Tuesday, February 18, 1997

KANSAS CATHOLIC CONFERENCE
Mary Kay Culp, Assoc. Dir. of Education

Thank you Mr. Chairman and members of the House Transportation Committee. My name is Mary Kay Culp. I am Associate Director of Education for the Kansas Catholic Conference. I am here to testify in favor of S.B. 17.

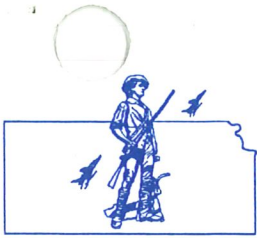
Senate Bill 17 would change the definition of "motor vehicle" as defined in K.S.A. 8-126 from a vehicle designed for transporting 10 passengers or less, to a vehicle designed for transporting 14, and define "bus" as a vehicle designed for transporting more than 14 passengers, in addition to the driver.

The Kansas Catholic Conference supports this bill for several reasons. These vans are used at our schools, especially our high schools, for transporting students to and from extracurricular events, like Debate, Forensics, or Tennis. They are driven by the teacher or teacher/coach of the particular team, club or activity. When these vans are not available, several older students drive younger students in their own cars. This is not the most desirable or safest option since often the destination is in an unfamiliar neighborhood or in another town. In addition, it is always preferable to have students who are traveling some distance, travel with a person in authority.

*House Transportation
Attachment 2
2-18-97*

The 14 passenger van is only one seat-space longer than the ten passenger van, but that seat accommodates four seats across the back of the van. My point is that the van is not considerably longer than the ten passenger model. The standard 14 passenger van is the largest passenger vehicle referred to as a van by the automotive industry. Evidently it is a newer design which was not routinely available when the present law was written.

We ask your support of S.B. 17. Thank you.



NATIONAL GUARD ASSOCIATION OF KANSAS

P.O. Box 19031

Topeka, Kansas 66619-0031

Phone/FAX: (913) 862-1066



Testimony for House Bill 2243 House Committee on Transportation February 18, 1997

Mister Chairman and members of the Transportation Committee, I am Colonel Malen Dowse, Director of Maintenance for the Kansas Army National Guard. I appear before you this afternoon on behalf of the Officer and Enlisted National Guard Associations of Kansas which represents over 2,000 members of the Kansas Army and Air National Guard to give testimony on House Bill Number 2243, to be introduced through this committee.

The bill basically modifies Kansas Statutes Annotated No. 1996 Supplement No 8-177a. It is an amendment to the language found in Paragraph (b) which would allow application and renewal of the current National Guard Distinctive License Plate using the Guard member's US Armed Forces Identification Card as proof of membership in the Kansas Army or Air National Guard or as a retiree of either organization. Currently, the member must get the commander's signature on the form. This is difficult as most of our commanders do not live in the city where the unit is located, or the member drives to a Guard unit outside of the home county where the license plate is acquired.

We believe that the Identification Card is a more closely controlled instrument than the current method of application or renewal. Each card is a serial numbered and controlled item and is property of the United States Government. As stated on the card, *use or possession except as prescribed is unlawful and will make the offender liable to heavy penalty*, under 18USC 499, 506 and 701. Each member is issued this card from his unit upon enlistment or re-enlistment only for the period of that enlistment, and is nullified upon their expiration of term of service. The cards are recovered as a matter of outprocessing and the serial number is cut off from the card and remains with the register. The card is then destroyed. Officers are issued a card for an indefinite period due to the nature of their oath. Retired members are issued an ID card upon application for retirement and termination of their active service until they reach age 60 at which time they are issued a retired card by an active duty component. All cards are controlled by the issuing unit and the control register is an item of frequent inspection.

There are three types of Identification Cards which County Clerks would deal with. The first is the Red card which signifies a Traditional Guard member, being in an active drill status or a retiree who has not yet reached age 60. The second is a Green Card which denotes Active Guard or Reserve members on active duty as full time Guard members. The third is a Gray or Retired Identification Card issued to Guard members who have reached the age of 60 or 20 years of active AGR service. Both the Red and Green ID cards clearly denote the soldier or airman as a current or retired member of the National Guard. The Gray card does not denote the branch or component and should be used for renewals only, not initial applications. I have attached samples of the cards for your information.

The Adjutant General's Department and the National Guard Association will work closely with the Department of Transportation and Department of Revenue to modify the current application form that clarifies the ID card usage and clearly shows methods of verification of the card holder by data on the ID card.

The National Guard Associations feel strongly that this measure will make it faster and easier for both our members and the County Treasurer's offices to issue and renew the Distinctive License Plates. The current form, though adequate is time-consuming, could easily be forged and is in dire need of revision. We urge the concurrence of this committee on this issue and ask that it be passed to the House for full vote with our combined support.

Very Respectfully Submitted,

Malen E. Dowse
Colonel,
Kansas Army National Guard


House Transportation
Attachment 3
2-18-97

US ARMED FORCES IDENTIFICATION CARD

ARMED FORCES OF THE UNITED STATES

DD FORM 2 A, 1 JUL 74





U.S. ARMY

ACTIVE

GRADE

LTC 05 / AGR

EXPIRATION DATE

INDEF

SIGNATURE

Alan S. House

SOCIAL SECURITY NO.

514-38-8441

GENEVA CONVENTIONS IDENTIFICATION CARD

BUREAU OF ENGRAVING AND PRINTING

PROPERTY OF UNITED STATES GOVERNMENT

**IDENTIFICATION FOR PURPOSES OF THE GENEVA CONVENTION
RELATIVE TO TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949.**

F 693820	DATE OF BIRTH	WEIGHT	HEIGHT	COLOR HAIR
	2 MAR 42	200	71	BR
	COLOR EYES	BLOOD TYPE	GENEVA CONVENTION CATEGORY	
	BL	O+	III	
	DATE OF ISSUE	SIGNATURE OF ISSUING OFFICER		
23 JAN 95	<i>James W. Kies</i>			
<p>WARNING: For official use of the person identified hereon. Use or possession except as prescribed is unlawful, and will make the offender liable to heavy penalty, 18USC 499, 506 and 701.</p>				
<p>IF FOUND, PLEASE PROMPTLY RETURN TO THE NEAREST ARMED FORCES INSTALLATION OR PLACE IN NEAREST U.S. MAIL BOX.</p>		<p>POSTMASTER: RETURN POSTAGE GUARANTEED, RETURN TO: OFFICE OF THE ADJUTANT GENERAL WASHINGTON, D.C. 20310</p>		

PROPERTY OF UNITED STATES GOVERNMENT



Unified School District No. 327
Ellsworth-Kanopolis-Geneseo

P.O. Box 306
 Ellsworth, KS 67439

(913) 472-6561
 FAX 472-5583

Dwight W. Smith, Superintendent

February 17, 1997

Representative Laura McClure
 Room 278-W
 State Capitol Building
 300 SW 10th Ave
 Topeka, KS 66612-1504

RE: House Bill No. 2280

Dear Representative McClure:

Thank you for inviting me to testify in support of HB2280. Though unable to attend this hearing in person due to a family medical situation, please accept this letter as my statement relative to this issue.

As expressed to you on several occasions, the Superintendent and the Board of Education of USD 327 have serious concerns with governmental mandates relative to the age of school buses operated by school districts. We believe decisions of this type rightfully belong to the local boards of education. We strongly believe local boards making the decisions as to when to purchase buses will not result in students being transported in unsafe vehicles. Our primary wish would be the repeal of this legislation and returning the decision making to the local level. However, we acknowledge that there is little chance for this to occur and endorse the recommendations included in HB2280.

USD 327 operates a fleet of seven (7) buses in transporting our students to and from school, only one of which is a rural route on dirt roads. The other six (6) buses are used to shuttle students between attendance centers and are on paved roads 95% of their useful life. Three years ago we adopted a rotation schedule to assure compliance when the 12 year law was effective and have replaced three older buses with new TC2000's. The replaced vehicles were mechanically and structurally sound vehicles with relatively low mileage and passed the annual inspection by the Highway Patrol and the school district mechanic.

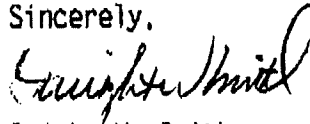
HB2280 would allow our district to continue to operate good buses with less than 100,000 miles for a period of sixteen (16) years from the date of manufacture, or use the bus as a spare if exceeding 100,000 miles and less than 16 years. This would allow school districts to be the decision makers and still insure students safe transportation.

*House Transportation
 Attachment 4
 2-18-97*

School districts are experiencing very real difficulty in complying with governmental mandates without the benefit of increased dollars to meet those mandates. The education of Kansas youth is our mission and mandates requiring the spending of scarce education dollars in meeting those mandates impedes that mission.

The USD 327 Board of Education urges the committee to approve House Bill No. 2280 and provide school districts some flexibility in making decisions relative to the replacement of school buses.

Sincerely,



Dwight W. Smith
Superintendent

DWS/nt

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