

Approved: 3-24-98  
Date

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary K. Hayzlett at 1:38 p.m. on March 18, 1998 in Room 526-S of the Capitol.

All members were present except: Representative Eugene Shore  
Representative Andrew Howell

Committee staff present: Hank Avila, Legislative Research Department  
Reed Holwegner, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
J. Patterson, Committee Secretary

Conferees appearing before the committee: Eric Heath, Assistant General Counsel for the KCC

Others attending: See attached list

**HB 2993 - Repeal of obsolete statutes concerning KCC regulation of railroads and motorcarriers**

Eric Heath testified as a proponent on behalf of the KCC. The bill does not constitute an abdication of the KCC's jurisdiction with regard to railroads. Rather, it provides for a much-needed update to the KCC's statutes.(Attachment 1)

Representative McKinney requested a copy of the repealers. It was provided by Mr. Heath.(Attachment 2)

Tom Whitaker, Governmental Relations Director for the Kansas Motorcarriers Association, testified that they had been through all the statutes. They found two that directly affected motorcarriers and they find nothing that would create a problem for them. They are in support of the bill.

Hearing was closed on **HB 2993**.

**SB 236 - Boating safety education certification.**

Representative McClure passed around a proposed amendment for the bill. She explained that the handout is **HB 2925**. It's the bill that sets up specific segments of the Kansas River for recreation and specific segments for multi-use.(Attachment 3)

Representative McClure made a motion to amend the document into **SB 236**, Representative Flower seconded the motion.

Representative Powers asked for clarification of the bill. Representative Schwartz has a problem with the language in Section 9 regarding "the owner of the property". Many times the property is leased. She has a problem with the bill as written. Representative Dreher agrees with Representative Schwartz. As a person who leases land, he feels he should be affected. He also has a problem with the bill as written. Representative McKinney suggested offering a subsequent amendment changing the language to "owner and operator". **HB 2925** just pertains to the Kansas River from Junction City to the Missouri River.

The motion was carried by a vote of 10 - 4.

Representative McKinney made a motion to change the wording to "owner and operator" in Section 9. It was seconded and the motion was carried.

Representative McKinney made a motion to pass the bill out favorably as amended, Representative Flower seconded.

There were a few questions for Mr. Riley regarding the **SB 236** part of the bill.

The motion was carried.

Chair asked for approval of the minutes of the last meeting.

Representative Flower wanted the minutes amended to say that she was present at the March 17, 1998 meeting.

Representative Corrells made a motion to approve the minutes as amended, Representative Humerickhouse seconded and the motion carried.

The meeting was adjourned at 2:08 p.m.

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 3-18-98

NAME	REPRESENTING
Mike Dore	Thomas County
Pastor Crumbaker	Thomas County
Amanda Krammer	Thomas Co.
Bill Watts	KDOT
Chad Beiser	Thomas County
Danielle Foster	Thomas County
Joe Widener	Thomas County
Eric Hartz	KCC
Vernon Wenger	KCC
Cheri Swager	WILDLIFE + Parks
Clint Riley	KDWP
<del>Joe Bastea</del>	<del>Thomas County</del>
Thomas A. Bremenkamp	Thomas County
Pauli Pileny	Wyandotte County
Lisa Galovich	Wyandotte County
Ken Behr	Ks. Governmental Consulting
Wendy Harms	Ks Aggregate Producers' Assn.
Wendy Harms	Ks Aggregate Producers' Assn.
Tom Whitaker	Ks Motor Carriers Assn.

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: \_\_\_\_\_

NAME	REPRESENTING
Maureen Bliss	Thomas County
Brad Waggoner	Thomas County
Ashley Friesen	Thomas County
Karl Shirley	Thomas County
Scott Walker	Thomas County
Pat Hubbae	Kearns Richards

**BEFORE THE HOUSE TRANSPORTATION COMMITTEE  
PRESENTATION OF THE KANSAS CORPORATION STAFF  
ON HOUSE BILL NO. 2993**

Good afternoon. My name is Eric Heath and I represent the Staff of the Kansas Corporation Commission and the public generally as an Assistant General Counsel at the Kansas Corporation Commission ("KCC"). I appear before this committee today to present testimony regarding House Bill No. 2993 ("HB 2993").

HB 2993 constitutes a statutory clean up measure intended to remove numerous obsolete and antiquated statutes from Chapter 66 and to amend others to reflect these changes. Also, the bill proposes an amendment to K.S.A. § 66-1a01 in order to eliminate certain charges for motor carrier applications with the KCC for authority to establish joint line rates, fares and service, as well as applications to make certain tariff changes.

The statutes presented for repeal in HB 2993 have either been superceded by federal law or rendered irrelevant by deregulation in the railroad industry. The KCC Staff compiled this list of statutes at the request of Rep. Carl Holmes, who, as a member of the Joint Committee on Rules and Regulations expressed some concern about the number of outdated statutes on the KCC's books.

In preparing the list of "repealers," the KCC Staff sought input from the transportation industry through the Kansas Motor Carriers' Association and Mr. Pat Hubbell of Pat Hubbell & Associates in order to ensure a thorough evaluation of all unnecessary statutes as well as to facilitate a smooth repeal process. After exchanging several phone calls and faxes, as well as a meeting or two, Staff compiled the definitive list of statutes to be repealed, which was submitted to the Office of the Revisor of Statutes for review. The Revisor's Office suggested amending additional statutes in Chapters 12, 14, and 15 in order to avoid any references to repealed laws. Thus, K.S.A. §§ 12-1633, -1634, § 14-434, and § 15-438 also became part of the proposed legislation, forming HB 2993 into the bill which you now have before you. K.S.A. §§ 12-1633, -1634, § 14-434 and § 15-438 all reference K.S.A. § 66-165 in the context of filing a complaint with the KCC with regard to the speed of trains passing through municipalities. With the repeal of K.S.A. § 66-165, the sections in Chapters 12, 14 & 15 no longer need to refer to this section. Additionally, the KCC no longer regulates the speed of trains. This power became a federal matter with the passing of the Federal Railway Safety Act, rev. 1990.

As you can see from the context of the statutes to be repealed by, HB 2993, the bill does not constitute an abdication of the KCC's jurisdiction with regard to railroads. Rather, it provides for a much-needed update to the KCC's statutes. I stand ready to answer any questions you might have.

House Transportation  
3-18-98  
Attachment 1

**RAILROAD STATUTES: SUMMARY OF SUGGESTED REPEALERS AND REVISIONS**

Kansas Statutes Annotated

- 66-147 If two or more railroad companies disagree on a division of charges for transportation over their lines, the Commission can divide the charges for them, pro rata.
- 66-164 Cities and townships may file complaints and applications with the Commission requesting an order to require railroad companies to construct depots, sidetracks, switches, or other facilities at any point on their lines as the Commission finds proper. This is for increased safety in transactions between the public and the railroad, and in the interchange of business between connecting or parallel railroads.
- 66-165 The Commission shall notify railroad companies of any complaints a party may file against them with respect to various operating practices. If the situation is not rectified within ten days of notice, a full hearing on the complaint shall commence within ten days of the notice, at which reports, orders, and decisions of other relevant regulatory bodies could be admitted. Once a complaint is made, the Commission shall fully investigate it even if the complaint is withdrawn, and shall make a determination of reasonable charges, considering classifications and rates currently in effect. If a railroad company charges someone a rate less than what the commission authorized, it shall charge everyone that rate; if it charges anyone more, the difference shall be made up to them. If a railroad company charges a rate in excess of what the commission has authorized, the excess shall be refunded.
- 66-169 If one railroad company files a complaint against another for failure, neglect or refusal to comply with K.S.A. 66-168, the Commission shall, upon notice, investigate and issue an order, and may assess a switching charge for any service the order requires.
- 66-170 Sixty days public notice has to be given before the Commission or any railroad company can raise the charge for transportation of freight.
- 66-171 All individuals or entities requesting the same services will be charged the same rates. All special rates shall be available to all individuals or entities. Transportation from similar points on the line will be charged the same rates. The same rate shall also be charged for certain classes of goods being transported in the same general direction and under like conditions, regardless of the length of the trip.
- 66-172 Railroad companies running in the same general direction shall not agree to divide the joint earnings upon the whole or any part of the freight transported in the same general direction. Violations of this provision shall subject the railroad to a \$5,000 fine for every month earnings are divided.
- 66-1,136 If, during a time of war, the United States compels a motor carrier to transport property of another, the carrier shall retain status as a private motor carrier and will not be required to secure any further permits and shall charge the same rates as contract carriers.

66-1,137 The above act shall expire 60 days after hostilities cease.

66-1a01 The Commission shall charge fees for applications for certificates to issue stock and operate as a motor carrier as outlined in a fee schedule in this act. All monies will be remitted to the state treasurer to be credited to the public service regulation fund.

\* See Attachment A

66-217 All railroad stations, in which there is a telegraph office, shall post train schedules on a blackboard that is visible by patrons.

66-218 If railroads fail to report train schedules to the blackboard, they will be subject to a \$10 to \$50 fine, recoverable by aggrieved patrons filing complaints.

66-219 66-219 to 66-221 shall apply to all railroad carriers.

66-220 Construction of way cars and cabooses shall meet Commission regulations as outlined in this act.

66-221 If a railroad violates the caboose and way car regulations it will be guilty of a misdemeanor and will be subject to a \$100 to \$300 fine, recoverable in suits brought by the attorney general.

66-222 Cabooses shall be equipped with seats, drinking water and water closets as necessary for passengers and stockmen.

66-223 If a railroad fails to properly equip its caboose, it will be subject to a \$20 per day fine.

66-242 Train depots and structures shall be kept clean, well lighted and warmed. They shall be open to patrons at a reasonable time before the arrival and departure of the trains.

66-243 Depot cites shall be changed in order to promote security, convenience, welfare and accommodation to the public.

66-250 Scales shall be available at stations to weigh carloads of goods being shipped by rail.

66-251 When scales are unavailable, the railroad may accept weights from a public weigher.

66-252 When scales are unavailable, the carload of goods shall be weighed at the nearest station that has scales and a receipt of the weight of the goods shall be sent to the shipper.

66-253 The weighing of cars and goods shall occur immediately before and after loading of the goods being shipped. If the shipper so demands, the weighing must take place in his presence.



- 66-254 A railroad may charge a \$0.25 fee for weighing carloads of goods.
- 66-255 A bill of lading shall be issued listing the details (owner, receiver, weight, etc.) Of the shipments of goods transported by rail. This bill of lading will be used in determining the weight of the shipment and liability of the carrier.
- 66-256 When a loss of goods occurs during shipping, such loss shall not be attributed to the line of rail company other than the original shipping company unless all the facts and circumstances of such loss or shortage can be proven.
- 66-257 When scales are not available at the point where the shipping begins, the bill of lading shall list the number of bushels or pounds of goods and that amount shall serve as the prima facie evidence of the amount of goods delivered to the rail company.
- 66-258 If a railway company neglects to install scales for six months after the effective date of this act, it will be subject to a penalty of \$100 per day.
- 66-259 If a railway company fails to issue a bill of lading, it shall be subject to a \$100 fine and shall be liable for damages and reasonable attorneys' fees.
- 66-260 Every shipper shall attach a card to each car indicating the car number, date, and weight of the shipment.
- 66-261 All locomotives that run before sunup or after sundown on routes in Kansas for more than ten miles shall have headlights that provide visibility of at least 800 feet.
- 66-262 The penalty for failure to have headlights will be a considered a misdemeanor and a fine of \$100 to \$500 will be assessed.
- 66-263 If animals are being shipped, the railroad shall count the animals and issue a bill of lading.
- 66-264 A railway company shall not insert a waiver of its liability in the bill of lading, contract or receipt prior to the execution of that document.
- 66-265 If a railway fails to furnish transportation for both ways in the shipment of livestock, negligence of the railway will be presumed if any of the livestock are injured or killed.
- 66-266 If the above occurs, the railway shall be liable for reasonable attorney's fees.
- 66-267 If a shipper so desires, it may accompany or send an employee to accompany the shipment without further expenses.

- 66-268 Shippers shall not permit other persons to assume ownership of a shipment as a means to obtain free transportation by accompanying the shipment.
- 66-269 If a railway fails to allow the shipper to accompany or send accompaniment with the shipment, it shall be liable for double the fares of the carriage for the number of people allowed to accompany the shipment.
- 66-270 The railway must provide a railway car for the people accompanying the shipped goods to travel in.
- 66-271 The railway car that serves the people that accompany the shipments must not stop further than 150 feet from the depot buildings.
- 66-272 If the railway fails to provide transportation as set out above, it will be subject to a \$25 per day fine.
- 66-275 All freight trains with a caboose shall be obliged to transport passengers on the same terms as passenger trains, as long as the passengers are over fifteen or accompanied by a parent, guardian, or other competent adult. The freight train shall not be required to stop for passengers at any point where the train is stopping anyway. Liability shall be limited to gross negligence, and shall not apply to freight trains on main lines, the bulk of the freight composed of livestock.
- 66-279 Every railway company in the state shall provide scales at all stations where livestock is received for shipment. This act does not apply to stations receiving less than 50 cars per annum for the last two years.
- 66-280 All railroad companies are required to supply the demand for double-decked cars for sheep. Both decks may be loaded with sheep to the aggregate extent of 20,000 pounds, and shall be considered one carload of stock. It is acceptable to charge more for the transportation of double-deck cars.
- 66-281 If a railroad company only provides a regular car for transportation of sheep, they may not charge more than one-half the legal rate allowed for the shipment of stock.
- 66-282 Any railroad company not in compliance with the previous two sections shall pay the shipper between \$50-\$200, to be recovered in a court of competent jurisdiction. As an alternative, a railroad company may provide two cars for transportation of sheep, but may only charge the rate for one.

- 66-283 Railroad companies must provide sheds at division points where shops are located to build or repair railroad equipment. These sheds, provided for those permanently employed for such repairs, must be entirely closed, over the tracks exclusively used for protection from the elements for those doing the repair work. This act does not apply to temporary repairs made at places other than regular shops.
- 66-284 After September 1, 1907, violation of 66-283 shall be considered a misdemeanor and may be fined between \$25 - \$100 for each offense.
- 66-2,114 Each railroad company shall weigh all cars of coal before and after being loaded.
- 66-2,115 Empty coal cars will be weighed within 24 hours before loading and within 48 hours after loading.
- 66-2,116 A certificate verifying weights, times and dates of each coal car's weighing, before and after loading (including net weight) shall be issued by the weighmaster and attached to the waybill. At the destination, it shall be attached to and become part of the freight expense bill and will be delivered to the consignee upon payment of freight charges.
- 66-2,117 Weighmasters shall subscribe to an oath or affirmation and give good and sufficient bond of \$1,000 to his employer that he will comply with this act. Any weighmaster or person so employed under this act that violates any provision of this act will be guilty of a misdemeanor and shall be a fine between \$100 - \$500 for each offense, face imprisonment not exceeding 6 months, or both.
- 66-2,118 Railroad companies failing to weigh coal shall be liable for a fine of \$100 for each car not properly weighed, recoverable upon suit in a court of competent jurisdiction.
- 66-312 Individuals may put two kinds of livestock or two kinds of grain in a car. Railroad companies may only charge for one kind of livestock or grain. The livestock and grain must not exceed the same maximum weight limits set for one kind of livestock or grain. However, the highest rate may be charged for two kinds of livestock or grain.
- 66-313 Any loss a shipper sustains from a railroad company's refusal to comply with this act may be assessed and collected as any other damages and losses against railroad companies.
- 66-314 A shipper of livestock must be identified to the railroad company by two responsible parties or must be personally known to the railroad agent. In the alternative, the shipper may answer three questions under oath: (1) who was the livestock purchased from, (1) what distinguishing marks appear on the livestock, and (3) the shippers residence and line of business, age, identifying marks, and any other information appropriate.

- 66-315 A railroad company or common carrier failing to properly identify a shipper of livestock as required in 66-314 shall be fined a sum not more than \$500 for each offense. Any shipper making false statements with regard to cattle shall be treated and punished as a perjurer.
- 66-317 Railroad companies shall transport livestock without delay, at an average rate of speed not less than 15 m.p.h. unless there are unavoidable accidents. Time consumed for loading, stops for watering and stops for feeding shall not be considered in the time shipments are required to be made.
- 66-318 Railroads that do not comply with 66-317 shall be liable for resulting damages that may be sustained by any person. Damages shall include depreciation, shrinkage in weight, loss of time, any extra expense, court costs and attorneys' fees. All other statutory and common-law remedies in addition to these remedies are preserved to the shippers.
- 66-321 Unless there is a flagman kept at the crossing, street-railway companies shall bring its cars to a full stop 10-20 feet before reaching the tracks of a railroad company.
- 66-322 Railway companies operated by electricity are authorized to establish and operate along their lines electric-light plants for the purpose of providing electricity to cities, towns, and people along said railway.
- 66-323 66-322 does not authorize any railway company to establish a light plant in a city of the first or second class until it has obtained a franchise from the city for that purpose.
- 66-324 Street or interurban car companies may not carry passengers from November to March without providing an enclosed vestibule for sufficient shelter for the motorman or other employee operating the propelling power on the car. The vestibule shall be comfortably heated at all times. The motorman shall have a seat for use under the company's reasonable restrictions and when sitting shall not interfere with the proper performance of his duties.
- 66-325 Street or interurban car companies shall provide and maintain toilet facilities on its cars for employee and passenger use. The Corporation Commission must strictly enforce this provision.
- 66-326 Street or interurban car companies not in compliance with this act shall be guilty of a misdemeanor and shall be punishable by a fine of \$5 to \$25 for each offense. Operation of a car at any one time during any one day in violation of K.S.A. 66-324 or 66-325 shall be deemed a violation of this act.
- 66-401 Status of railroad corporations chartered by special territorial acts.

- 66-402 Railroad corporations organized under Kansas laws may provide in their bylaws for election of 1/4 of its board of directors every four years, 1/4 for two years, and 1/4 for one year, and at all succeeding annual meetings, 1/4 for four years.
- 66-403 A railroad corporation's proposed routes must be mapped and profiled, and certified by the president and engineer of the company, or a majority of directors, and filed in the office of the county clerk in the counties through which the road will be made.
- 66-404 Railroad companies will give written notice to those occupying the land, which has not been purchased or donated, over which the company intends to make its route.
- 66-405 Certificate of stock issued prior to March 2, 1883, that have not been legally canceled shall be valid and binding against the railroad company, unless a successful action is brought to annul or cancel the stock within one year of the passage of the act.
- 66-406 Any certificates of stock hereafter issued by a railroad company shall be valid and binding unless a successful action is brought to annul or cancel the stock within two years of the stock's issuance.
- 66-407 The president or secretary of any railroad corporation wishing to annul or cancel a certificate of its stock must file a petition in the district court of the county where its main office is located. The petition shall describe the certificate to be annulled or canceled by number, date of issue, to whom issued, and the name standing on books of the company, the number of shares, and why it should be annulled.
- 66-408 Service in a 66-407 action will be made by giving personal notice. If the certificate holder is unknown and can't be found by diligent inquiry, service may be by publication, for at least three months in a weekly newspaper published or of general circulation in the county where the action is brought. Publications shall fully described the certificates to be annulled or canceled. Before service by publication, the plaintiff must file an affidavit asserting the party is unknown and could not be found by a diligent search.
- 66-409 With service by publication, the defendant has 90 days from the date of the last publication to answer.
- 66-501a Railroads can carry people, property, and mail via highways, air and water. The railroads have to get certificates as required by law to perform such tasks. If the railroad operates in another state, it must conform to the laws of that state.
- 66-501b Any railroad can operate with owned or leased equipment, as a corporation, or as a contract carrier.

- 66-502 The directors of a railroad may vote at any time to change the roadbed by a two-thirds majority. This change can be to shorten the line or go around obstacles, but cannot change the general route or ending point of the route.
- 66-503 Any corporation can foreclose on any lien on any property of any other corporation or individual.
- 66-504 Railroads can purchase and hold stocks and bonds to guarantee the payment of principal and interest or hold the bonds of any other railroad company whose line will connect with its own.
- 66-505 Railroads can issue bonds and incur debts in the amount the board of directors sees fit. Railroads can mortgage its property to secure payment of bonds. The railroad must obtain a certificate from the state corporation commission pursuant to 66-125.
- 66-506 Any railroad that has connecting lines can consolidate into one company. To consolidate, the companies must enter into a contract that fixes the terms and must be ratified by all the stockholders of the companies. The contract must be certified and then the board of directors can implement the contract and reissue stocks as necessary.
- 66-507 A railroad can sell or lease part of its branches to another company. The state can collect taxes on the land and rolling stock. Any railroad that will provide service in the state must have a certificate. Any non-resident railroad owner that gets sued can remove claim to federal court. Any sale must be ratified by a majority of the stockholders.
- 66-508 Foreign companies officers and directors don't have to live in the state.
- 66-509 Railroads can lease the road to other railroads. The agreement must be approved by two-thirds of the stockholders.
- 66-510 Railroads can extend or connect the line that runs in Kansas into another state.
- 66-511 This act does not repeal any previous act. Any previous agreements are still in effect.
- 66-512 Any railroad can issue stocks or bonds and mortgage its property.
- 66-513 Any company that was narrow gauge can change the gauge of its track.
- 66-514 When a railroad changes the gauge of its track, the secretary will certify the change.
- 66-515 A railroad has 60 days to get the change of gauge certified.
- 66-516 The secretary shall issue a certificate for the change of gauge.

- 66-517 Any authorized change of gauge or track shall be filed and recorded by the secretary of state, and certificate thereof given the same as in cases of articles of incorporation.
- 66-518 As long as it does not conflict with the terms of the proposition under which bonds were voted, a railway corporation's municipal bonds voted to the railway before the a change in the gauge of its track will not become invalid.
- 66-519 Before a railway corporation that has received municipal bonds changes the gauge of its track, it must procure the consent of the county, township or city that issued the bonds.
- 66-520 Whenever a railroad company diverts coal for transportation to its own use, it shall notify the consignee within three days, and shall pay the consignee twice the invoice price within thirty days if the consignee has received the invoice. If the consignee has not received the invoice, the railroad company shall pay twice the regular market value at point of origin of shipment.
- 66-601 It is illegal for any railroad to require or allow a conductor, engineer, fireman, brakeman, train dispatcher, telegraph operator or any trainman who has worked 16 hours consecutive hours to continue to work until they have rested 8 hours. This will not apply in emergency situations or when the train is carrying perishable freight or to the employees in the sleeping car, baggageman and express messengers.
- 66-602 Any railroad that violates this act will be subject to a fine of not less than \$100 and not more than \$200 for each offense. This will be recovered by any court of competent jurisdiction, the AG or any county attorney in a county the train runs through. The corporation commission can investigate any complaint made to it and can gather any information it sees fit.
- 66-701 No free passes will be issued. Followed by a long list of exceptions including: employees, injured people, dead people, people who are traveling with livestock, religious people etc.
- 66-702 Any employee that gives a free pass to someone not authorized and any person that uses a pass that is unauthorized is guilty of a misdemeanor and the punishment is a fine not to exceed \$100.00 or not more than 30 days in the county jail or both. If the person involved is a member of the state corporation commission, the governor will declare their seat vacant and appoint a successor.
- 66-703 Employee as used in this act is all persons who give time and skill to the railroad they work for and receive money for their efforts. It does not include people who do not depend on such employment for livelihood except one attorney, surgeon and doctor in each county which the train passes through.

- 66-704 Family as used in this act includes the employee, their children, spouse of minor children, and immediate members of the household that depend on the railroad as the primary means of support.
- 66-705 The railroad can issue free passes when there is an epidemic, pestilence or catastrophe allowing people to avoid the problem.
- 66-706 Any passenger that gets a discount or other form of concession is a violation of this act. The same punishment that is in 702 applies.
- 66-707 Any carrier that is operating as a common carrier of passengers for hire cannot give free passes. Except a long list of exceptions including: employees, injured people, dead people etc.
- 66-708 Any employee that gives a free pass to someone not authorized and any person that uses a pass that is unauthorized is guilty of a misdemeanor and the punishment is a fine not to exceed \$100.00 or not more than 30 days in the county jail or both. If the person involved is a member of the state corporation commission, the governor will declare their seat vacant and appoint a successor.
- 66-709 Employee as used in this act is all persons who give time and skill to the motor carrier they work for and receive money for their efforts. It does not include people who do not depend on such employment for livelihood except one attorney, surgeon and doctor in each county which the train passes through and a local ticket agent.
- 66-710 Family as used in this act includes the employee, their children, spouse of minor children, and immediate members of the household that depend on the motor carrier as the primary means of support.
- 66-711 The motor carrier can issue free passes when there is an epidemic, pestilence or catastrophe allowing people to avoid the problem.
- 66-712 Any passenger that gets a discount or other form of concession is a violation of this act. The same punishment that is in 702 applies.



**K.S.A. § 66-1a01 (Supp. 1996). Fees for regulation of securities and motor carriers and for document copies; public service regulation fund and motor carrier license fund created. (a) . . . (b)(1) . . .**

(2) With regard to the regulation of motor carriers, the commission shall charge and collect fees in accordance with the following schedule:

For application for motor common carrier certificate .....	\$25
For application for motor carriers regulated by the interstate commerce commission .....	10
For application for extension, rerouting, removal of restrictions or transfer of motor common carrier certificate and motor common carrier license .....	10
<del>For each motor common carrier certificate involved in an application for authority to establish joint rates or fares and perform joint service .....</del>	<del>5</del>
<del>For application of motor common carriers for authority to make any change in their tariffs or other publication pertaining to their rates, fares or charges: If hearing not required .....</del>	<del>1</del>
If increases proposed in rates, fares or charges when hearing is required .....	25

(3) . . .

(c) . . . (d) . . .

PROPOSED AMENDMENT TO SENATE BILL NO. 236  
(As Amended by Senate Committee of the Whole)

On page 4, after line 29, by inserting:

"New Sec. 7. (a) As used in this section:

(1) "Kansas river reach" means all land owned by the state of Kansas in the Kansas river channel up to the ordinary high water mark within the designated reach. In cases where the state's ownership interest is affected by avulsion, ownership will be determined pursuant to K.S.A. 82a-201 et seq. and amendments thereto.

(2) "Multi-use reach" means a reach of the Kansas river where any use authorized or not prohibited by law is allowed.

(3) "Recreational use reach" means a reach of the Kansas river where commercial and industrial activities that require a permit pursuant to K.S.A. 82a-301 et seq., and amendments thereto are prohibited except for public water supplies, wastewater and stormwater outfalls, electric utilities, flood control and drainage works, bridges or buried transmission lines and pipelines.

(4) "River miles" means river miles officially designated by the United States army corps of engineers in the Emergency Flood Plan, Kansas River, Mouth to Junction City, file number EM-1-420, March 1977, revised April, 1986.

(b) (1) The following are hereby designated as multi-use reaches on the Kansas river: River mile 0 to river mile 51.8 and river mile 72 to river mile 125.

(2) The following are hereby designated as recreational use reaches on the Kansas river: River mile 51.8 to river mile 72 and river mile 125 to river mile 170.4.

New Sec. 8. Any person who commits any of the following along the Kansas river shall be subject to prosecution: Criminal trespass as defined by K.S.A. 21-3721 and amendments thereto; littering, as defined by K.S.A. 21-3722 and amendments thereto; injury to a domestic animal, as defined by K.S.A. 21-3727 and amendments thereto; criminal hunting, as defined by K.S.A.

21-3728 and amendments thereto; obstructing, injuring, damaging or destroying property in violation of K.S.A. 24-636 and amendments thereto; or any other violation of law.

New Sec. 9. Before causing any public access, boating facilities, ramps or docks to be built on the Kansas river within or adjacent to any drainage district bounding the Kansas river, the secretary of wildlife and parks shall obtain written approval of the proposed project from such district or from the owner of the property directly affected by the location of such public access, boating facilities, ramps or docks.";

By renumbering sections 7 and 8 as section 10 and 11;

In the title, in line 10, after "ACT" by inserting "relating to waters of the state;"; in line 12, before "amending" by inserting "designating certain reaches of the Kansas river to be used for certain purposes; relating to prosecution for certain crimes committed along the Kansas river; concerning certain improvements on the Kansas river;"