

MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE.

The meeting was called to order by Chairperson Senator Ben Vidricksen at 9:05 a.m. on February 2, 1999 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian Holeman, Committee Secretary

Conferees appearing before the committee: Pam Scott, Exec. Dir. KS Funeral Directors, et.al

Others attending: See attached list

SB 66: Regulation of funeral processions

Ms. Scott provided members copies of compromise language to address the League of Municipalities concern with the bill in its present form. The amendment proposes a new sub-section to be added to Section 3(c) (Attachment 1). Following discussion, Senator Jordan moved to adopt the amendment. Senator Gilstrap seconded the motion. Motion carried. The Kansas Trial Lawyers Association has no objections to the bill as amended. Senator Stephens moved the amended bill favorable for passage. Senator Gilstrap seconded the motion. Motion carried. Senator Stephens will carry the bill.

SB 52: Children's Trust Fund license plates

Hearings were held on this bill on January 26th and the need to amend the weight up to 20,000 lbs was discussed at that time. Senator Jordan moved to so amend SB-52. Senator Goodwin seconded the motion. Motion carried. Senator Huelskamp proposed an amendment which basically would authorize an additional organization known as the "Kansas association for pregnancy maintenance" to obtain plates in the same manner as the Children's Trust Fund (Attachment 2). Senator Huelskamp advised this is an organization that is trying to get started. They just incorporated yesterday and while they have been working since last fall and intend to ask for funding for some other purpose, right now their dealing solely with this bill authorization. He advised there are a number of centers around the state who work with pregnant women in difficult situations and they might be promoting adoption as the first portion of that as well as providing assistance to those who might wish to parent their children. Does not know membership. Question was raised as to whether or not this amendment is adding a new dimension to this bill which should perhaps be a totally separate bill. Would expect this to be the same fiscal note as the Children's Trust Fund and the same subject of a charitable organization fund raising.

Chairman Vidricksen questioned whether or not the abortion question will be promoted either yes or no or arise in anyway whatsoever in connection with this amendment. The words "pregnancy maintenance" throws up a red flag on this issue. It is not legislative intent to make this an anti-abortion issue. The chair suggested this should be made very clear. Chairman Vidricksen again advised he did not wish to bring up anything that would cause another red flag to be raised in this matter. Concern was also express about authorizing an organization to have a license plate when we don't know anything about them and when they have not appeared before the committee.

Senator Huelskamp offered to add sunset language to the affect that if 500 plates had not been sold by January 1, 2001 the law would no longer be in effect. The Chair asked if there would be objection to having this put in a new bill. Senator Huelskamp objected to that. The Chair then requested Senator Huelskamp get some of this organization's people here Thursday, February 4, so we could revisit the bill.. Chairman Vidricksen believes we need more information on this amendment. Senator Tyson requested a vote at this time the bill. Senator Huelskamp moved to offer the amendment with a sunset clause to expire January 1, 2001 for both sections of the bill. The amendment is the same as the Children's Trust Fund in all respects. Senator Tyson seconded the motion. Motion carried. Senator Goodwin and Senator Harry Stephens wished to be recorded as voting "No."

_CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE, Room 254-E
Statehouse, at 9:05 a.m. on February 2, 1999.

Senator Nancey Harrington moved to recommend the bill as amended favorable for passage. Senator Mark Gilstrap seconded the motion. Motion carried. Senator Goodwin and Senator Harry Stephens wished to be recorded as voting "No."

Chairman Vidricksen stated that he did not know how controversial this bill would be and he called on The Children's Trust Fund for comment on the issue, since it is new to the committee and he asked them to do some research to find out who this organization is and their membership. We will revisit this bill again before it is turned in to the Calendar, thus the Children's Trust Fund can decide what they would like to do about it. We need further discussion with both organizations about the bill before it goes to the Calendar. Senator Vidricksen stated he wished to do all he could for childrens' organizations and adoptions as this is a big initiative in the Governor's program and in the Legislature

SB 50: Amending safety belt use act

Hearings were held on **SB-50** on January 27, 1999. Several committee members spoke against changing the law to a "primary" rather than "secondary" act. Generally, members agreed with the intent of the bill to "save lives," However, concerns were expressed regarding enforcement. Senator Goodwin proposed an amendment to strike Section 2, line 7 return to current law. Conferees had objected to that section in the bill. There was no second to the amendment. No further action was taken on **SB-50**. Since there is no support for passage, the Chair advised he will not bring up the bill again this year.

At this time the Chair reiterated his request to Lynn Stennett of the Children's Trust Fund to meet with him to give him their recommendations regarding amended **SB-52**.

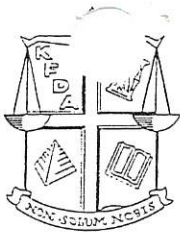
The meeting adjourned at 10:00 a.m.

The next meeting is scheduled in 313-S (Old Supreme Court Room), Noon to 1:15 p.m. today, February 2, 1999. There will be no 9:00 a.m. meeting on Wednesday, February 3, 1999. However, the Committee will meet again at noon on Wednesday in 313-S.

**SENATE TRANSPORTATION & TOURISM COMMITTEE
GUEST LIST**

DATE: FEBRUARY 2, 1999

NAME	REPRESENTING
Ken Behr Ken Behr	Economic Lifelines
KEN McNEILL	ABATE of KS INC
Noriss Mann	ABATE of KS Inc.
Lynn Stendert	CTF
Dennis Gruenbacher	Farm Bureau
Scott Davis	Ly. Co. Farm Bureau
Larry Mann	Gre. Co. FARM B.
Nick Steinfeld	MYSELF
Dick Bauman	KDOT
Nancy DeLoe	KFDA
Fan Scott	Ks Funeral Directors Assn
MARK ENCHOLM	KANSAS HIGHWAY PATROL
John Eichkorn	" " "
Tom Whitaker	Ks MOTOR CARRIERS ASSN
Lyn Spruiell	Farm Bureau
JIM KEATING	KANS SAFE KIDS COALITION
Jean Barbee	Ks Assn of Defense Counsel



KANSAS FUNERAL DIRECTORS AND EMBALMERS ASSOCIATION, INC.

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AFFILIATED WITH NFDA

To: Senate Transportation and Tourism Committee

From: Pam Scott, Executive Director

Date: February 2, 1999

Re: Amendment to Senate Bill No. 66

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PAM SCOTT
Topeka

Thank you for the opportunity to appear before you again today regarding Senate Bill No. 66. At the suggestion of several members of this committee, representatives of the Kansas Funeral Directors and Embalmers Association (KFDA) and the Kansas League of Municipalities (League) have come up with compromise language to address the League's concerns as to whether typical right-of-way rules under the funeral procession law must be observed if a car falls back from the preceding car in a funeral procession.

The KFDA and the League have come up with the following suggested amendment to Senate Bill No. 66 to address the League's concerns. A new sub-section would be added to New Section 3 (c), which would read as follows:

(4) an operator of a vehicle in a funeral procession shall not have the right-of way at an intersection, regardless of traffic control devices, if the vehicle is more than 300 feet behind the immediately preceding vehicle in the funeral procession.

It is our understanding that this language addresses the League's concerns regarding situations when a vehicle in a funeral procession is violating the "following closely" provisions of the bill. In such instances, the vehicle would lose its right-of-way privilege at intersections.

It is also important to remember that in addition to this new exception to the bill's right-of-way provisions, an operator of a motor vehicle in a funeral procession must always exercise due care when participating in a funeral procession and avoid colliding with any other vehicle or pedestrian.

I hope with this amendment to Senate Bill No. 66 we can receive your support of Senate Bill No. 66

SN.TRANSPORTATION & TOURISM COMM.

February 2, 1999

ATTACHMENT #1

1-1

1 pedestrians and operators of all vehicles, except as stated in subsection
2 (c), shall yield the right-of-way to any vehicle which is part of a funeral
3 procession being led by a funeral escort vehicle or a funeral lead vehicle.

4 (b) Except as provided in subsection (c), when the funeral lead ve-
5 hicle lawfully enters an intersection, either by reason of a traffic control
6 device or at the direction of law enforcement personnel, the remaining
7 vehicles in the funeral procession may follow such funeral lead vehicle
8 through the intersection regardless of any traffic control devices or right-
9 of-way provisions prescribed by state or local law.

10 (c) Funeral processions shall have the right-of-way at intersections
11 regardless of traffic control devices, subject to the following conditions
12 and exceptions:

13 (1) Operators of vehicles in a funeral procession shall yield the right-
14 of-way to an approaching authorized emergency vehicle, as defined in
15 K.S.A. 8-1404, and amendments thereto, giving an audible or visible
16 signal;

17 (2) operators of vehicles in a funeral procession shall yield the right-
18 of-way when directed to do so by a police officer; and

19 (3) operators of vehicles in a funeral procession must exercise due
20 care when participating in a funeral procession and avoid colliding with
21 any other vehicle or pedestrian. Operators of vehicles in a funeral pro-
22 cession shall comply with the provisions of K.S.A. 8-1535, and amend-
23 ments thereto.

24 New Sec. 4. (a) All vehicles comprising a funeral procession shall
25 follow the preceding vehicle in the funeral procession as closely as is
26 practical and safe.

27 (b) Any ordinance, law or regulation stating that motor vehicles shall
28 be operated to allow sufficient space enabling any other vehicle to enter
29 and occupy such space without danger shall not be applicable to vehicles
30 in a funeral procession.

31 (c) Each vehicle which is part of a funeral procession shall have its
32 headlights, either high or low beam, and tail lights lighted and may also
33 use the flashing hazard lights if the vehicle is so equipped.

34 New Sec. 5. Nothing in sections 1 through 4 of this act shall be con-
35 strued to prohibit any city or county from requiring:

36 (a) A law enforcement or nonlaw enforcement funeral lead vehicle
37 or funeral escort for a funeral procession and may require prior notice of
38 a planned funeral procession to the city police department or office of
39 the sheriff; or

40 (b) compliance with any other city or county traffic law, not in conflict
41 with the provisions of this section.

42 New Sec. 6. Liability for any death, personal injury or property dam-
43 age suffered by any person on or after July 1, 1999, which arises out of a

(4) an operator of a vehicle in a funeral procession shall not have the right-of-way at an intersection, regardless of traffic control devices, if the vehicle is more than 300 feet behind the immediately preceding vehicle in the funeral procession.

1-2

PROPOSED AMENDMENT

New Section 1. (a) Any owner of one or more passenger vehicles or trucks registered for a gross weight of not more than 20,000 pounds who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one Kansas association for pregnancy maintenance license plate for each such passenger vehicle or truck. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The Kansas association for pregnancy maintenance, may authorize the use of their logo to be affixed on license plates as provided by this section. Any royalty payment to such Kansas association for pregnancy maintenance derived from this section shall be used to provide services for promoting adoption, counselling and meeting the physical needs of pregnant women and their children. Any motor vehicle owner may annually apply to the Kansas association for pregnancy maintenance for the use of such logo. Upon annual application and payment to the Kansas association for pregnancy maintenance in an amount of not less than \$25 nor more than \$100 as a logo use royalty payment for each Kansas association for pregnancy maintenance plate to be issued, the Kansas association for pregnancy maintenance shall issue to the motor vehicle owner, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner at the time of registration.

(c) Any applicant for a Kansas association for pregnancy maintenance license plate may make application for such plates not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of motor vehicles, and any applicant for the Kansas association for pregnancy maintenance license plates shall provide the annual logo use authorization statement provided for in subsection (b). Application for registration of a passenger

or truck and issuance of the license plate under this section shall be made by the owner in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or Kansas association for pregnancy maintenance license plate issued under this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides the annual logo use authorization statement provided for in subsection (b). If such logo use authorization statement is not presented at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the Kansas association for pregnancy maintenance license plate to the county treasurer of such person's residence.

(f) The Kansas association for pregnancy maintenance shall pay the initial cost of silk-screening for such Kansas association for pregnancy maintenance license plates.

(g) The Kansas association for pregnancy maintenance, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate to be issued under the provisions of this section.