

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Rep. Gary Hayzlett at 1:35 p.m. on January 26, 2000 in Room 519-S of the Capitol.

All members were present except:

Representative Vaughn Flora, excused  
Representative Andrew Howell, excused  
Representative Phill Kline, excused  
Representative Doug Johnston, excused

Committee staff present:

Bruce Kinzie, Revisor of Statutes  
Hank Avila, Research Department  
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Sheila Walker, Director of Vehicles, State of Kansas

Others attending:

See attached sheet

Chairman Hayzlett opened the floor for bill introductions. Representative McKinney made a motion to introduce a bill, amending KSA 68-2314a, which would increase the amount of system enhancement projects from \$1,050,000,000 to \$1,100,000,000, over a ten year period, seconded by Representative Ray and the motion carried.

Representative McKinney made a motion to introduce a bill, amending KSA 68-2314a, which would state that in addition to the system enhancement projects approved, the secretary of transportation could approve contingent system enhancement projects in an amount not to exceed \$100,000,000 if sufficient revenues were available to initiate and complete such projects during the period beginning July 1, 2003 through June 30, 2009. This was seconded by Representative Grant and the motion carried.

Representative Thimesch made a motion to introduce a bill which would take away the exemptions for county and state trucks regarding weight limitations and would also provide for weight officers to enforce this amendment, with 50% of all fines, penalties and forfeitures collected for any citation to remain in the county with the remaining 50% being remitted to the state treasurer. This was seconded by Representative Larkin and the motion carried.

**HB 2642 - drivers' licenses, providing false information on persons' mental or physical condition**

The Chair called on Bruce Kinzie to give an overview of this bill. He stated this legislation essentially is already in law with the exception of the penalty clause, which would make a person intentionally providing false information regarding the mental or physical condition of an applicant guilty of a class B misdemeanor.

The Chair called on Sheila Walker, Director of Vehicles, to present testimony. She explained the procedures which were already in place to revoke a license and the necessary steps to have the license re-instated. She stated the Kansas' driver review process was a stable system that had been in place for at least 10 years and she felt it was working satisfactorily, however, the Division of Vehicles would cooperatively implement this bill if it becomes law. (Attachment 1)

Following questions from the committee, Chairman Hayzlett closed hearings on **HB 2642**.

The Chair called attention to a handout from the Secretary of Transportation which contained some corrections from the presentation he offered on January 19, 2000. (Attachment 2)

The minutes of the Transportation Committee for January 18<sup>th</sup> and 19<sup>th</sup> were presented for additions or corrections. Representative Ballou made a motion to approve the minutes as written, seconded by Representative Grant and the motion carried. The minutes will be placed on the Internet after approval.

Chairman Hayzlett adjourned the meeting at 2:15 p.m. The next meeting of the House Transportation Committee will be Thursday, January 27, 2000, 1:30 p.m. in Room 519-S.



Sheila J. Walker, Director  
Division of Vehicles  
915 SW Harrison St.  
Topeka, KS 66626-0001



(785) 296-3601  
FAX (785) 291-3755  
Hearing Impaired TTY (785) 296-3909  
Internet Address: [www.ink.org/public/kdor](http://www.ink.org/public/kdor)

**Division of Vehicles**

**TESTIMONY**

**TO:** Chairman Gary Hayzlett  
Members of the House Transportation Committee

**FROM:** Sheila J. Walker, Director of Vehicles *Sheila J. Walker*

**DATE:** January 26, 2000

**SUBJECT:** House Bill 2642

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Chairman Hayzlett and members of the House Transportation Committee, my name is Sheila Walker, and I serve as Director of the Kansas Division of Vehicles. Thank you for allowing me to provide neutral testimony today regarding House Bill 2642. I appreciate the opportunity to inform you how the state's current driver review process works.

The Kansas Driver Review Section works with persons who have physical, mental or visual impairments, who may not meet the standards to hold a Kansas driver's license. Of the 1.9 million licensed drivers in Kansas, we review nearly 7,000 files each year for medical or vision concerns. In addition, we get approximately 250 new referrals each year.

Referrals come to us through a number of sources, including from the person experiencing the medical difficulty, their family members or their friends. Physicians, attorneys, case managers, social workers, legislators, and law enforcement officers also contact us regarding persons whom they believe may not be able to drive safely. We ask that these referrals be in writing, and that they be signed by the person initiating the letter of concern. The referral is confidential.

Once we receive letters of concern, we mail medical and/or vision forms to the individuals, asking them to have their physician complete the forms and return them to the Driver Review Section within 30 days. If the forms are not returned in 30 days, the driver's license is revoked.

Once returned, the forms are reviewed and the physician's recommendations are coupled with the law to determine the next step. Depending on the physician's recommendations and the status of the license, there are several alternatives. Generally, we do one of three things:

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- Authorize a full test (written test, drive test, and vision test) if the doctor states that the person is physically and mentally capable of driving; or
- Submit the medical information to a Medical Advisory Board for its opinion.
- Revoke the license if the doctor states on the forms that the individual should not be driving;

If the individual cannot pass the full test, the license is revoked. If the individual passes the test, the driver's license may be restricted as recommended by the doctor and the examiner. We may also require that the person follow up with an annual medical or vision report for our review each year.

Kansas' driver review process is a stable system that has been in place for at least 10 years. It is very similar to Missouri's process which was recently featured as a benchmark in *USA Today*. The only difference is Missouri can penalize individuals for falsely referring other drivers to Missouri's medical review process.

Should Kansas add a penalty provision for false referrals? That's a policy question for you to answer. Before you make that decision, you should know that the Division of Vehicles is aware of only one case in the last 10 years that may have been considered a "false report." In addition, there is already a chilling effect against people who are considering referring Kansas drivers to our driver review process. The implementation of this bill may result in people being even more reluctant to report in good faith for fear of repercussion.

An even bigger problem than people giving us false referrals is the driver providing false information to their physicians and optometrists. The *Wichita Eagle* reports that a local driver, for example, now faces two felony counts of falsifying medical reports after killing two teenagers there last summer.

Additionally, the most inconsistent part of our process involves drivers with seizure disorders. The statute currently requires drivers to be six months episode free OR their doctor can state that the patient's condition is controlled. This means that a driver can have a seizure today, and if a doctor writes a letter to the division tomorrow stating the patient is controlled, the driver can, by statute, keep his or her license.

In closing, the Kansas Division of Vehicles will cooperatively implement this bill if it becomes law. Again, thank you for your interest in the state's driver review process. I am available for questions.



**KANSAS DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY OF TRANSPORTATION**

E. Dean Carlson  
SECRETARY OF TRANSPORTATION

Docking State Office Building  
915 SW Harrison Street, Rm. 730  
Topeka, Kansas 66612-1568  
Ph. (785) 296-3461 FAX (785) 296-1095  
TTY (785) 296-3585

Bill Graves  
GOVERNOR

January 20, 2000

The Honorable Gary K. Hayzlett, Chairman  
House Transportation Committee  
Room 115-S, State Capitol Building  
Topeka, Kansas 66612

Dear Chairman Hayzlett:

Following my presentation to the House Transportation Committee on January 19, 2000, it was pointed out that the table included on pages 11 through 13 of our handout would not add to the bottom line total. Our review confirmed that there was a problem with the table.

In an effort to make the table more understandable, a last minute decision was made to change the location of a line item, and we failed to make the necessary corrections to all of the internal subtotals. The bottom line total was correct, but the subtotals would not add to that number. I have attached a copy of the corrected table for your information and records.

I certainly apologize for any problem or confusion our inaccuracies may have caused, and hope that my presentation was responsive to the Committee's interests and concerns.

Sincerely,

A handwritten signature in blue ink that reads "E. Dean Carlson".

E. Dean Carlson  
Secretary of Transportation

Attachment

cc: Committee Members w/a

House Transportation Committee  
January 26, 2000  
Attachment 2

**REVIEW OF CHANGES IN FORECASTED REVENUES AND EXPENDITURES  
FOLLOWING THE 1999 LEGISLATIVE SESSION FOR THE CTP PERIOD  
(000)**

	<u>SOURCES OF FUNDS</u>	<u>USES OF FUNDS</u>	<u>NET IMPACT</u>
<b>• <u>Changes in the September 1999 Budget Request</u></b>			
<b>Beginning Balance</b> – Beginning balance was higher primarily from lag in FY 99 construction payouts			
Beginning Balance	\$ 84,175		
Shift in State Projects		\$ 83,882	
Subtotal – Net Change	<u>84,175</u>	<u>83,882</u>	\$ 293
 <b>Bonds &amp; Investments</b> – The economy changed resulting in increased investment earnings, higher interest payments on the bonds, and a change in the timing and structure of the bonds.			
Interest	79,365		
Bond Structure -- Premium	16,375		
Debt Service		<u>178,872</u>	
Subtotal – Treasury Adjustments	<u>95,740</u>	<u>178,872</u>	(83,132)

- **Revenue Adjustments**

<b>Motor Fuel Taxes</b> – Increase based on Highway Revenue Estimating Group	153,300		
Increase in Special City & County HF		53,002	
<b>Registration Fees</b> – Increase based on Highway Revenue Estimating Group	40,000		
<b>Sales Tax</b> – Increase based on State Consensus Estimates	4,645		
<b>Sales Tax</b> – Reduction in the Sales Tax Transfer – Governor’s Recommendation			
FY 2000	(27,153)		
FY 2001	(39,595)		
FY 2002-2009	(60,000)		
<b>Driver’s Licenses</b> – Increase based on FY 99 actual collections	10,330		
<b>Local Funds</b> – project enhancements	27,627		
<b>Miscellaneous Revenue Changes</b>	<u>(853)</u>		
Subtotal – Revenue Adjustments	<u>108,301</u>	<u>53,002</u>	<u>55,299</u>

**Federal Revenue Adjustments**

<b>Federal Demonstration Projects</b> – Federal demonstration projects and some local participation was not included in Legislative Session projections; however, KDOT is now able to use the federal and local money for those projects but only those projects.	131,982	131,982	
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**Receipts Timing** – Federal reimbursement can now be claimed earlier. This pulls money into the period and reduces resource in the post period. This requires an increase in ending balance.

	113,604	76,482	
Shift in Local Projects		20,903	

**Federal Limitation** -- Reduction in federal Obligation authority

State System	(83,383)		
Local Federal Aid Projects	(43,260)	(43,260)	
Local Share of Federal Aid Projects	<u>(10,815)</u>	<u>(10,815)</u>	
	<u>108,128</u>	<u>175,292</u>	(67,164)

• **KDOT Expenditure Adjustments**

Agency Operations Reduction		(17,677)	
Substantial Maintenance Reduction		(3,272)	
Transfers to Other Agencies Increase		3,640	
Rail Loan Program Increase		1,910	
SCCHF Timing Estimate Refinement		<u>(2,312)</u>	
		<u>(17,711)</u>	<u>17,711</u>

• **Governor’s Recommended Expenditure Reductions**

Deferral – RR Grade Separations		(3,000)	
Deferral – Guard Fence Upgrades		(5,000)	
Deferral – LP RR Grade Separations		(9,224)	
Engineering Contracts		(12,000)	
Buildings		(6,182)	
Agency Operations		<u>(16,342)</u>	
		<u>(51,748)</u>	<u>51,748</u>

**Decrease in Available Resources from Governor’s Recommendations** (25,245)