

MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE.

The meeting was called to order by Chairperson Senator Ben Vidricksen at 9:10 a.m. on March 16, 2000 in Room 245-N of the Capitol.

All members were present except: Senator Nancey Harrington

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

Conferees appearing before the committee: Jackie Miller, KCC
Tom Whitaker, KMCA
Senator Umbarger

Others attending: See attached list

HB 2582: Re school buses; head lamps

Committee resumed consideration of **HB 2582**. Discussed the fact that it might create problems, certainly regarding obscuring vision at night. Representative Grant pointed out that it is "permissive" language and is aware of the "uniformity" concern. However, he continued to urge allowing those who wished to try this. He had no objection to amending the bill to allow usage only during daylight hours and on low beams only; reference to Section 2 (b) (2) on page 2.

Senator Stephens moved to amend the bill so that these lights could be used in daylight only. Discussion resulted in agreement to include low beams only in the amendment. Senator Stephens rewrote his amendment accordingly. Senator Gilstrap seconded the motion. Motion carried.

Senator Jordan moved to recommend the bill as amended favorable for passage. Senator Gilstrap seconded the motion. Motion carried. Senator Vidricksen will carry the bill.

HB 2768: Re Kansas Corporation Commission - regulation of motor carriers

Jackie Miller, Director of Transportation Division, Kansas Corporation Commission, in support of this bill provided background information and reasons for requesting the bill (Attachment 1). She further advised the Commission supports an amendment to be proposed by the Kansas Motor Carrier Association.

Tom Whitaker, Director, Governmental Relations, Kansas Motor Carriers Association, offered a minor amendment to correct an oversight relating to "certificate of public service" and certificates of "convenience and necessity" which were inadvertently eliminated (Attachment 2).

Senator Umbarger, presented an amendment regarding agriculture operations which would make Kansas consistent with surrounding states in terms of hours of operation (Attachment 3). Concerned parties had not previously discussed this proposed amendment. The opinion was expressed that this is a regulatory issue rather than one to be dealt with by an amendment to **HB 2768**. The spokesman for Kansas Motor Carriers expressed particular concern regarding the impact of this amendment on cattle haulers. Following several questions and further discussion, Chairman Vidricksen instructed the parties to meet and return to the Committee with a compromise that is acceptable to all concerned..

Senator Huelskamp moved to adopt the amendment to correct the oversight relating to certificates of public service and convenience and necessity. Senator Jordan seconded the motion. Motion carried. The Committee will return to consideration of **HB 2768** when compromise language is ready.

The meeting adjourned at 10:05 a.m..

The next meeting is scheduled for March 21, 2000

SENATE TRANSPORTATION & TOURISM COMMITTEE

GUEST LIST

DATE: MARCH 16, 2000

NAME	REPRESENTING
Roger Froudo	KCC
Paula Lantz	KCC
Jackie Miller	KCC
Barbara Pringle	Ks. Pupil Transp. Assn.
LARRY E. BLUTHARD	KS DEPT. OF EDUCATION
RAY RAMIREZ	KS DEPT OF EDUCATION
Don Ryan	KCA
Dick Bauman	KDOT
DAVID WINGER	
Mike Beavn	Ks. LVSTK. Assn.
LEE Sankay	Rice Co. Leadership 2000
Tom Whitaker	Ks MOTOR CARRIERS ASSN.
Lillie Jimison	Ks Grain + Feed Assn.
Dag Wareham	Ks. Grain + Feed Assn. / Ks. Fert + Chem. Assn.
Woody Wines	Ks. Pkg. Prod. Assn.
Jeff Bottenberg	Kansas Peace Officers' Assn.
Doug Gatewood	House
Bob Grant	House
Besler Kaufman	KFB

Testimony of Jackie Miller
Kansas Corporation Commission
Director of Transportation
House Bill 2768
March 16, 2000

Good morning Mr. Chairman and members of the committee. I am Jackie Miller, the Director of the Transportation Division of the State Corporation Commission. I am appearing here today on the behalf on the KCC to testify on House Bill 2768 which proposes several changes to the Motor Carrier Act.

House Bill 2768 proposes amendments that will:

- Delete references to the Interstate Commerce Commission which was abolished by the ICC Termination Act. The Commission proposes an amendment which will identify the agencies that replaced the ICC or assumed its duties with the general phrase "federal agency".
- Allow the Commission to enforce its own penalties rather than burdening the Attorney General's office with enforcement requests.
- Eliminate temporary authority. In order to grant temporary authority, a shipper must demonstrate a need for service. Since the Commission no longer regulates service because of federal preemption, temporary authority is unnecessary.
- Make the issuance of public motor carrier certificates to transport property, other than household goods or passenger, more of an administrative procedure instead of the quasi-judicial process currently being used. By streamlining the process for granting authority, the Commission can better utilize its resources and motor carriers can begin operating more quickly.

The Kansas Motor Carrier Association supports this legislation with an amendment that Tom Whitaker will bring forward this morning. The Commission supports his proposed amendment.

I appreciate your consideration and will answer your questions.

SENATE TRANSPORTATION & TOURISM
COMMITTEE DATE: 3-16-00
ATTACHMENT: 1



KANSAS MOTOR CARRIERS ASSOCIATION

P.O. Box 1673 ■ Topeka, Kansas 66601-1673 ■ 2900 S. Topeka Blvd. ■ Topeka, Kansas 66611-2121
Telephone: (785) 267-1641 ■ FAX: (785) 266-6551 ■ www.kmca.org

Trucking Solutions Since 1936

LEGISLATIVE TESTIMONY

Presented By The

KANSAS MOTOR CARRIERS ASSOCIATION

Appearing before the Senate Transportation & Tourism Committee
Senator Ben Vidricksen, Chairman
Thursday, March 16, 2000
State Capitol, Topeka, Kansas

CONDITIONALLY SUPPORTING HOUSE BILL NO. 2768

MR. CHAIRMAN AND MEMBERS OF THE SENATE TRANSPORTATION TOURISM COMMITTEE:

My name is Tom Whitaker, director of governmental relations and membership services for the Kansas Motor Carriers Association. I appear here this morning on behalf of our 1,475 member firms and the Kansas Trucking industry.

We are here today to offer our conditional support to House Bill No. 2768, provided this Committee a minor amendment. The bill streamlines the application process for motor carriers applying to the Kansas Corporation Commission for a "certificate of public service" to operate for-hire between points and places in Kansas.

In 1995, the United State Congress prohibited states from regulating rates, routes or service for intrastate for-hire motor carriers, except for those transporting household goods and passengers. Kansas adopted conforming legislation and created a "certificate of public service" to identify those carriers which would only be subject to registration, insurance filings and compliance with safety rules and regulations. Motor carriers transporting household goods or passengers continue to be required to obtain a certificate of convenience and necessity and file tariff to reflect the rates they intend to charge customers.

SENATE TRANSPORTATION & TOURISM
COMMITTEE -DATE: 3-16-00
ATTACHMENT: 2

JERRY ARENSDORF
Arensdorf Trucking, Inc.
President

LESLIE J. UNRUH
Unruh Grain, Inc.
Chairman of the Board

JOHN LATHROP
Roadway Express, Inc.
First Vice President

CHRISTIE CHAMBERS
Chambers Trucking, Inc.
Second Vice President

KEN LEICHT
Frito-Lay Distribution & Service
Treasurer

LARRY "DOC" CRIQUI
Kansas Van & Storage/Criqui Corp.
Corporate Secretary

GLENN UNREIN
Golden Plains Trucking, Inc.
ATA State Vice President

DARRELL KIRKWOOD
National Carriers, Inc.
ATA Alternate State Vice President

TONY GASTON
Rawhide Trucking, Inc.
ProTruck PAC Chairman

MARVIN ROBERTSON
J.M.J. Projects, Inc.
Public Relations Chairman

MIKE KELLEY
Executive Director

H.B. 2768 – March 16, 2000 – Page 2

H.B.2768 makes the necessary changes to Kansas law to allow the KCC to administratively approve certificates of public service, and thereby reducing the time from application to approval from 60 days to 30 days. Our association believes this is the proper way to proceed. However, the Commission's focus on motor carriers has moved from rate regulation to safety compliance. The bill as amended in the House Transportation Committee, requires the Commission to ascertain those that receive approval for a certificate of public service are in compliance with the safety rules and regulations within the first 12 months of receiving such certificate. KMCA supports this provision of the bill.

An oversight by both Commission staff and KMCA eliminated the notice requirements for applicants of a "certificate of public service" and certificates of convenience and necessity" from the bill. The Revisor of Statutes has prepared an amendment to correct this oversight. We respectfully request that the Committee adopt this amendment.

Mr. Chairman, the Kansas Motor Carriers Association supports H.B. 2786 with the requested amendment. We thank you for the opportunity to appear before you today, and would be pleased to respond to any questions you may have.

PROPOSED AMENDMENT TO xxxxxx

New Sec. 1. (a) The provisions of 49 C.F.R. 395.1 (k), the hours of service of drivers engaged in transportation for agricultural operations, in effect on the effective date of this act, are hereby adopted.

9b) For the purpose of this section "planting and harvesting season" means a year round time period for planting and harvesting.

(c) The provisions of this section shall not be modified or further defined by the adoption of rules and regulations.

SENATE TRANSPORTATION & TOURISM
COMMITTEE -DATE: 3-16-00
ATTACHMENT: 3

Amendment to House Bill 2768

What does this amendment do?

- ➔ Makes Kansas consistent with surrounding states hours of service exemptions for the movement of agricultural commodities and supplies (livestock and grain, fertilizers and chemicals)

Why is this change needed?

- ➔ The current KCC regulations regarding the hours of service exemption for agriculture operations puts crop input suppliers and farmers in Kansas at a competitive disadvantage with surrounding states.
- ➔ This exemption, which was adopted in Nebraska, Missouri, Oklahoma and Colorado enables the movement of grain, livestock and crop inputs and other agricultural commodities to be transported within a 100 mile radius of their point of origin.

Why is a year-round exemption needed?

- ➔ In Kansas, grain, fertilizers and ag chemicals are transported throughout the year.
- ➔ States that have a year round exemption include Oklahoma, Missouri, Indiana, Montana, Georgia and Florida among others.