

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on March 22, 2005 in Room 519-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research
Bruce Kinzie, Revisor of Statutes Office
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Senator Phillip B. Journey
Jim Edwards, KS Ass'n. of School Boards
Terry Forsyth, KS National Education Ass'n.
David Church, Chief, Bureau of Traffic Engineering
Representative Frank Miller
Nelson Olinger, Concerned citizen
Dan Ramlow, Exec. Vice President, KS Contractors Ass'n.
Senator Tim Huelskamp
Jere White, KS Corn Growers Ass'n
Brad Harrelson, KS Farm Bureau
Chris Howe, Director of Purchases, Dept. of Administration
Representative Larry Powell
Ken Gudenkauf, Legislative Liaison for KDOT

Others attending:

See attached list.

HB 2106 - State Transportation Map, Advertising

Chairman Hayzlett recognized Representative Larry Powell as the first proponent for **HB 2106**. Representative Powell said this bill will allow KDOT to sell advertising on the official State map. (Attachment 1) He said this map is printed biannually at a cost of approximately \$250,000 but if they sell advertising, it could potentially pay some or maybe all of the cost for printing the map.

The next proponent was Ken Gudenkauf, Legislative Liaison for KDOT. According to Mr. Gudenkauf (Attachment 2) **HB 2106** will allow KDOT to take competitive bids for advertising on the official state transportation map as a means of offsetting costs. Advertising on the state transportation map is something KDOT can explore. It is unknown how much revenue such advertising may generate and the extent to which it would impact space currently allocated to the Departments of Commerce and Wildlife and Parks. Mr. Gudenkauf said that KDOT will need to carefully consider the balance between providing space for commercial advertising and utilizing available space for the benefit of travel and tourism within the state of Kansas.

Chairman Hayzlett drew the Committee's attention to written testimony from Max Howard, Best Western of KS Coop Advertising Chairman, Larned, KS (Attachment 3) and Terry Harris, Best Western Townsman Inn, Larned, KS. (Attachment 4) Mr. Howard and Mr. Harris were proponents of **HB 2106** and encouraged the Committee to favorably pass this bill out of Committee.

There were no other proponents and no opponents so Chairman Hayzlett closed the hearing on **HB 2106**.

SB 35 - School zones, disobeying crossing guard, speeding in zone, fines doubled

The Chairman recognized Senator Journey who spoke in support of **SB 35**. According to Senator Journey (Attachment 5) this bill has two operative sections that will change existing law. The first change doubles the fines for the traffic infraction of speeding when in a school zone and the second change creates a new infraction for willfully failing or refusing to obey the direction of a uniformed adult school crossing guard.

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 22, 2005 in Room 519-S of the Capitol.

The next proponent was Jim Edwards, Governmental Relations Specialist with KS Ass'n. of School Boards. Mr. Edwards said they support **SB 35** as it would enhance the safety of children walking in marked school crossings. (Attachment 6) Mr. Edwards said this bill will also provide for a definition of school crossing guards.

Chairman Hayzlett recognized Terry Forsyth of the KS National Education Ass'n. as the next proponent of **SB 35**. According to Mr. Forsyth this bill will help to ensure that motorists will respect school zones and the guards who work to protect children in school zones. (Attachment 7)

David Church, Chief of the Bureau of Traffic Engineering spoke next as a neutral. According to Mr. Church KDOT supports the language being proposed within **SB 35** regarding double fines for reduced school speed zones, (Attachment 8) however, he said they cannot support the amendment as written and asked for new language with regard to the reference to school crossing guards. Mr. Church said their concern with the amendment is that it allows persons under 18 years of age to direct traffic in the vicinity of schools.

There being no other conferees, the Chairman closed the hearing on **SB 35**.

SB 234 - Requiring state rented or leased vehicles to use ethanol

Chairman Hayzlett recognized Senator Tim Huelskamp as the first proponent. (Attachment 9) According to Senator Huelskamp **SB 234** requires that the state of Kansas use renewable fuels. It is proposed that all motor vehicle fuel purchases, including rented or leased vehicles, maximize the use of these renewable fuels. Senator Huelskamp had a balloon amendment which would eliminate the current mandatory labeling on gas pumps using any ethanol blend. His proposed amendment would clarify that in the absence of point of sale identification there is no usage requirement.

The next proponent introduced was Jere White, Executive Director for both the KS Corn Growers Ass'n. and the KS Grain Sorghum Producers Ass'n. (Attachment 10) Mr. White said **SB 234** would amend a provision of law which requires that all bulk fuel purchases and individual motor-fuel purchases for state-owned vehicles to be fuel blends containing at least ten percent ethanol or two percent biodiesel, as long as the price is within \$.10 per gallon. Mr. White said they support the amendment language submitted by Senator Huelskamp that would remove the requirement on individual motor fuel purchases when the produce is not identified at the point of sale. Mr. White concluded by saying **SB 234** addresses the intent of the original legislation from two years ago. That intent being that all fuel purchased by Kansas taxpayers should contain at least ten percent ethanol or two percent biodiesel, when such products are available within the price limitations that were established.

The next proponent was Brad Harrelson, State Policy Director, Governmental Relations for KS Farm Bureau. (Attachment 11) Mr. Harrelson said the Kansas Farm Bureau urges support of bio-fuels and Kansas agricultural producers and asked the Committee to pass **SB 234** favorably out of Committee.

Chris Howe, Director of Purchasing was the next proponent. Mr. Howe could not be present so John C. Peterson stepped in and drew the Committee's attention to Mr. Howe's testimony (Attachment 12). Mr. Howe's testimony indicated that current law requires all bulk fuel purchases by the State of Kansas to be at least 10% ethanol, or E-10. Because of the State's commitment to E-10 and other bio-fuels, he asked the Committee to consider amending the language requiring private companies who provide rental services to the State of Kansas to purchase bio-fuels in bulk.

There being no additional conferees, Chairman Hayzlett closed the hearing on **SB 234**.

SB 81 - Traffic regulation, use of headlamps, windshield wipers

Chairman Hayzlett recognized Representative Frank Miller as the first proponent. Representative Miller's intern, Steve Golden, presented Representative Miller's testimony. (Attachment 13) According to Representative Miller **SB 81** clarifies and improves two provisions now in the law regarding when headlights and illuminating devices shall be turned on: 1) when there is insufficient light, unfavorable atmospheric

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 22, 2005 in Room 519-S of the Capitol.

conditions, smoke, fog, or when a vehicle or person cannot be discerned at a distance of 1,000 feet or less; and 2) when windshield wipers are used due to rain, sleet or snow.

Chairman Hayzlett recognized Dan Ramlow, Executive Vice President of the KS Contractors Ass'n. Mr. Ramlow said he was appearing before the Committee to testify in favor of **SB 81**. (Attachment 14) Mr. Ramlow said his Association gives total support to this bill because it has positive safety features for the motoring public, and would also benefit and protect their industry's workers in construction work zones.

The next proponent was Nelson Olinger, a concerned citizen from Independence, KS. Mr. Olinger said he thought **SB 81** was important as a safety issue. (Attachment 15) He said often during inclement weather headlights are not used by motorists during daylight hours and he felt this is a hazard because of the lack of sufficient visibility. Mr. Olinger felt that without visible taillights it is hard to recognize a braking vehicle which can cause serious accidents and it was his belief that the use of headlights and taillights will help motorists to better recognize a vehicle in inclement weather.

Lt. John Eichkorn was the last proponent to speak on **SB 81**. (Attachment 16) Lt. Eichkorn said **SB 81** provided a relatively easy step that has the potential to prevent injuries and save lives. He said while the Patrol supports most of **SB 81**, making this legislation a secondary offense hinders the ability of law enforcement officials to encourage the use of headlamps during adverse conditions.

There being no additional conferees, Chairman Hayzlett closed the hearing on **SB 81**.

The Chairman called for final action on **SB 94**. Representative O'Malley made a motion to amend SB 94 to remove the phrase "as defined in the project contract documents". Representative George seconded the motion to amend and the motion carried. Chairman Hayzlett called for final action on **SB 94, as amended**. Representative Jack made a motion to favorably pass SB 94, as amended, out of Committee. The motion was seconded by Representative O'Malley and the motion carried.

The Committee discussed **SB 35**. It was the consensus of the Committee to leave the bill and work on it next year.

Chairman Hayzlett called for final action on **SB 81**. A motion was made by Representative George to favorably pass this bill out of Committee, seconded by Representative Humerickhouse. With consensus of the Committee a sub-motion to amend SB 81 was made by Representative Jack to strike subsection (2)(c) which would remove the provision which would have made it a secondary offense to have violated the windshield wiper provision, and instead would provide that a driver violating the windshield wiper provision would be issued a warning citation for a period of one year. This motion was seconded by Representative Ballard and the motion carried. Chairman Hayzlett called for final action on **SB 81, as amended**. Representative Jack made a motion to favorably pass SB 81, as amended, out of Committee, the motion was seconded by Representative Ballard and the motion carried.

The Chairman called for final action on **SB 234**. Representative Long made a motion to favorably pass SB 234 out of Committee, the motion was seconded by Representative George and the motion carried.

Chairman Hayzlett drew the Committee's attention to Minutes of the March 9, 2005 Committee meeting. Representative Olson made a motion to approve the Minutes of the March 9th meeting, Representative Humerickhouse seconded the motion and the motion carried.

There being no further business before the Committee, Chairman Hayzlett adjourned the meeting. There are no additional meetings scheduled.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: March 22, 2005

NAME	REPRESENTING
Phil Journey	Sen Dist 26 -
Larry Powell	117 th House
Steve Golden	Rep. Miller
Rep FRANK MILLER	DIST 12
Tim Huelshamp	Senato
Sen. Huelshamp	Sen. Huelshamp
Judy Mohr	KAC
Jim Edwards	KASB
Letha Olinger	Citizen
Helene E. Olinger	Concerned Citizen
BRAD HARRELSON	KFB
Jere White	KGBA - KGBPA
Carole Jordan	KDA
Bill Rose	Rep. Henry

STATE OF KANSAS

LARRY POWELL
REPRESENTATIVE, 117TH DISTRICT
9555 N DEWEY RD
KALVESTA, KS 67835
ROOM 182-W STATEHOUSE
TOPEKA, KANSAS 66612-1504
(785) 296-7694



TOPEKA
HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE-CHAIRPERSON: AGRICULTURE
MEMBER: AGRICULTURE AND NATURAL
RESOURCES BUDGET
EDUCATION
ENVIRONMENT

To: Representative Gary Hayzlett
Chairman, House Transportation Committee

From: Larry Powell
State Representative, District #117

Date: March 15, 2005

Re: HB 2106 State transportation map advertising

Mr. Chairman, I appreciate you and the committee taking time to hear **HB 2106**. It is a very simple bill that would allow KDOT to sell advertising on the official State map. This map is printed bi-annually at a cost of approximately \$250,000. If we sell advertising, it could potentially pay some, or maybe even all of the cost for printing the map. I feel it would be fiscally prudent to do this, with the State having everything to gain and nothing to lose.

If we are looking for tourist dollars, and want people to stay in Kansas overnight, I think knowing where to call for a place to stay is really important.

Thanks you for your attention, I will be happy to stand for questions.

House Transportation
Date: 3-22-05
Attachment # 1

PH



KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE

REGARDING HB 2106 RELATING TO STATE TRANSPORTATION MAP, ADVERTISING

MARCH 21, 2005

Mr. Chairman and Committee Members:

Good afternoon, I am Ken Gudenkauf, Legislative Liaison, for the Kansas Department of Transportation (KDOT). I appreciate the opportunity to provide testimony regarding advertising on the state transportation map. House Bill 2106 will allow KDOT to take competitive bids for advertising on the official state transportation map as a means of offsetting costs.

The purpose of the state transportation map is to assist travelers as they traverse our state – strictly for transportation purposes. There are sections within the map which are utilized by the Department of Commerce, Division of Travel and Tourism and the Department of Wildlife and Parks to promote their programs. This has been a good partnership effort among our departments and has been beneficial in that it provides a method to market the state and state programs with minimal cost to these departments.

The map is updated every other year. We print approximately 1.5 million maps, of which the Department of Commerce distributes approximately 90 percent. KDOT has previously made a digital copy of our map available to outside entities to utilize for their own marketing purposes. In 1994 Kansas sold color separate negatives of our map to a hotel vendor for \$100. The company then added their logo and locations on the map and distributed it.

Here are copies of the new 2005-2006 state transportation map. As you can see from the map, what we call “non-map” space is currently utilized by the Departments of Commerce and the Department of Wildlife and Parks for the marketing of Kansas. Providing commercial advertising space will likely reduce the space currently allocated for this purpose.

House Transportation

Date: 3-22-05

Attachment # 2

~~Page 2~~

In July 2003, KDOT conducted an initial survey to learn of commercial advertising efforts in other states. At the time of the survey, six states had used commercial advertising. Of these states, one indicated they had since discontinued providing space for commercial advertising. Overall, the survey results reflected surprisingly few states where advertising generated sufficient revenue.

Including advertising on the state transportation map is something the Department of Transportation can explore. It is unknown how much revenue such advertising may generate and the extent to which it would impact space currently allocated to the Departments of Commerce and Wildlife and Parks. Certainly the department has an obligation to carefully consider the balance between providing space for commercial advertising and utilizing available space for the benefit of travel and tourism within the state of Kansas.

2-2
~~D. J. [unclear]~~

March 17, 2005

To: Representative Gary Hayzlett
Chairman, House Transportation Committee

From: Max Howard
Best Western of Kansas Coop Advertising Chairman
Larned, Kansas

Re: **HB 2106 State transportation map advertising**

Mr. Chairman, thank you for letting me address the Transportation Committee this afternoon concerning **HB 2106**. I represent the thirty-three Best Western properties, plus the four new properties we are adding this year. For the past fifteen years, the Kansas Coop has printed a Kansas map, listing the Best Western properties across the state. Last year's printing was over 100,000 copies that are distributed to our guests, and in the State tourism centers. We also supply the coffee cups in the State's four tourism centers. We support the tourism program, by placing a full-page ad on the back cover of the Kansas Tourism Guide Book, and each property places a listing in the book as well. We have done this for the past twelve years. The State also gives each property all the KDOT maps requested.

We feel it would be cost effective for the State of Kansas to have the Best Western's of Kansas place an ad on the KDOT map. We would appreciate the opportunity to work with the State of Kansas on this project to help promote the State Tourism Program in Kansas.

Thank you for your time and consideration to allow advertising on the State's transportation map.

House Transportation
Date: 3-22-05
Attachment # 3



March 17, 2005

To: Representative Gary Hayzlett
Chairman, House Transportation Committee

From: Terry Harris
Best Western Townsman Inn
Larned, Kansas

Re: **HB 2106 State transportation map advertising.**

Thank you Chairman Hayzlett for letting me speak to the Transportation Committee concerning **HB 2106** State transportation map advertising. I'm Terry Harris, owner of the Best Western Townsman Inn in Larned, Kansas. While trying my best to acquire advertising space on the Kansas Department of Transportation map for the Best Western's of Kansas, it also occurred to me the other things that any advertising space on the map could be used for.

I'm sure car rental companies would find it very useful to have their information on the map, and then possibly, include a map with their rental vehicles. This would, also, give different tourist attractions, communities, and even cities around the state an opportunity to showcase their attractions to a very large audience by advertising on the map.

After all, I think we are all trying to get as many travelers to stop in our great state, visit our attractions, eat in our restaurants, and spend a little time in our communities.

House Transportation
Date: 3-22-05
Attachment # 4



SENATOR PHILLIP B. JOURNEY

STATE SENATOR, 26TH DISTRICT
P.O. BOX 471
HAYSVILLE, KS 67060

STATE CAPITOL—136N
300 S.W. 10TH AVENUE
TOPEKA, KANSAS 66612-1504
(785) 296-7367
E-mail: journey@senate.state.ks.us



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

MEMBER: SPECIAL CLAIMS AGAINST THE STATE
(JOINT), CHAIR
HEALTH CARE STRATEGIES
JUDICIARY
PUBLIC HEALTH AND WELFARE
TRANSPORTATION
CORRECTIONS AND JUVENILE JUSTICE
OVERSIGHT (JOINT)

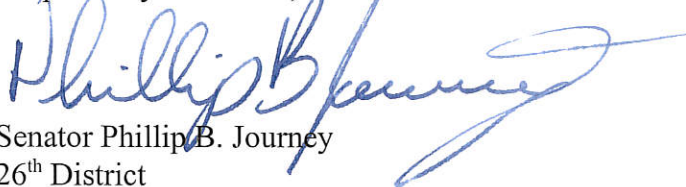
**Testimony for the Kansas House Transportation Committee
Presented March 22, 2005 in Support of Senate Bill #35**

It is a privilege and an honor to have the opportunity to address the House Transportation Committee and to offer our comments in support of Senate Bill #35. It is intended to amend K.S.A. 8-2118. It has two operative sections that are changes of existing law. The first change doubles the fines for the traffic infraction of speeding when in a school zone. A few years ago this body voted to do the same when violators were in a construction zone. Currently, many cities across the State have done the same as intended in this Bill. Adoption of this provision will create consistency in enforcement across the state.

The second change creates a new infraction for willfully failing or refusing to obey the direction of a uniformed adult school crossing guard. The Attorney General's Opinion cited as #73-278 reflects the definition of the statutory authority of local School Boards to designate them. (A copy of the Attorney General's opinion is attached.) While other statutes could conceivably be used to prosecute similar violations having a specific law encourages law enforcement action and further describes the driver's actions.

This bill again passed the Senate with a large majority. It died last year in the Kansas House of Representatives due to the misinterpretation that the crossing guard could issue the citation. The legislation is drafted clearly so no new arrest power is created vesting in such crossing guard. Only the law enforcement officer may issue such citation upon direct observation by the officer.

Respectfully submitted,



Senator Phillip B. Journey
26th District

House Transportation
Date: 3-22-05
Attachment # 5

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony on **SB 35**
before the
House Transportation Committee

by

Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

March 22, 2005

Chairman Hayzlett and Members of the Committee:

Thank you for allowing me to appear today in support of **SB 35**, a measure that would increase penalties for certain school crossing violations.

We support this bill as it should enhance the safety of children walking in marked school crossings. In addition, it also provides for a definition of school crossing guards. We stress that the crossing guards will not be the ones writing the citation or reporting the violation.

Thank you for the opportunity to appear in support of this measure and I would be happy to answer questions.

House Transportation
Date: 3-22-05
Attachment # 6



Terry Forsyth, Testimony
House Transportation Committee
March 22, 2005
Senate Bill 35

Members of the committee, thank you for the opportunity to appear before you in support of **Senate Bill 35**.

The Kansas National Education Association appreciates this effort to ensure that school zones are safe zones for our students. Parents must be able to send their children to school with the knowledge that children will arrive safely. And children must be confident that the adults they turn to for protection are indeed authorized and empowered to provide protection.

Additionally, the doubling of fines in school zones will serve as a deterrent to those who choose to ignore school zone speed limits. It makes sense to demand and enforce policies that safeguard our children.

Senate Bill 35 will help to ensure that motorists will respect school zones and the guards who work to protect our children in those zones. We urge you pass **SB 35** out of committee favorable for passage.

House Transportation
Date: 3-22-05
Attachment # 7



KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE

REGARDING SENATE BILL 35 SCHOOL ZONES

MARCH 22, 2005

Mr. Chairman and Committee Members:

Good afternoon, my name is David Church, Chief of the Bureau of Traffic Engineering. On behalf of the Kansas Department of Transportation (KDOT), I appreciate the opportunity to share our views regarding Senate Bill 35.

In November of 2004, Secretary of Transportation Deb Miller asked that KDOT's Bureau of Traffic Engineering lead an effort to develop a "School Zone Toolbox" to be used as a resource to improve student safety in school zones across Kansas. The toolbox is comprehensive and will include ideas to improve education, enforcement and engineering of Kansas school zones in both urban and rural areas of the state. The target audience of these efforts will vary, however the goal is to provide a resource for safety professionals to work with local law enforcement, school administrators, students, parents and the general public to improve safety in school zones. One idea to improve student safety in urban areas included doubling fines for speed violations within Reduced Speed School Zones.

In October of 2000, the National Safe Kids Campaign published a document entitled "Child Pedestrians at Risk in America: A National Survey of Speeding in School Zones". The study indicated that each year approximately 650 pedestrians ages 14 and under die in motor vehicle-related traffic crashes in the United States. An additional 20,000 children suffer from motor-vehicle pedestrian injuries. Child pedestrians ages 5 to 9 are at highest risk of being killed or injured due to being hit by a car. The likelihood of a pedestrian being killed if struck by a motor vehicle traveling at 20 mph or less is about 5 percent, compared to a 40 percent likelihood of death if the vehicle is traveling 30 mph or more. The speed survey conducted looked at over 16,000 vehicle speeds in 63 school zones located in 29 cities across the United States. 65% of all vehicles were traveling over the posted speed limit and almost one-quarter of vehicles were traveling at least 10 mph over the speed limit. One third of the drivers were traveling at 30 mph or greater.

House Transportation
Date: 3-22-05
Attachment # 8

Page 2

Doubling fines in Reduced Speed School Zones would emphasize the importance of slowing down and obeying the reduced speed within school zones. If some drivers slow down as a result, it would also help create longer gaps for students to cross the roadway, provide more time for a driver to react to a student in the roadway and lessen the severity of a pedestrian vehicle-related crash.

KDOT has been involved with school crossing guard's safety since August of 1997 when the document "Kansas Guidelines for School Crossing Guards" was published. Since that time, KDOT has been involved with training school crossing guard trainers across the state. When training is provided, a consistent comment from school crossing guard trainers involves stories of drivers that do not follow their direction when directing traffic to stop prior to allowing students to cross. Having language in the State Statutes that imposes a fine for drivers that do not follow the direction of an official uniformed adult crossing guard would help improve safety for those guards and help law enforcement target repeat offenders.

As a result, we support the language being proposed within Senate Bill 35 regarding double fines for Reduced School Speed Zones. However, we cannot support the amendment as written and would ask for new language with regard to the reference to school crossing guards. Our concern with the amendment is that it allows persons under 18 years of age to direct traffic in the vicinity of schools. Student Safety Patrols, which are fifth grade students and above, are trained to direct and control children at school crossings and signalized intersections. Student Safety Patrols should not be responsible for directing vehicular traffic.

Mr. Chairman, I would be pleased to respond to questions.

8-2
~~Page 2~~

Capitol Office
State Capitol, Room 128-S
Topeka, KS 66612-1504
785-296-7359

Home Address
P.O. Box 379
Fowler, Kansas 67844
(620) 646-5413 FAX (810) 821-2712

thuelska@ink.org



STATE OF KANSAS

Senator Tim Huelskamp, Ph.D.

Committee Assignments

Elections & Local Government,
Chairman
Information Technology, Co-Chairman
Kansas Legislative Education &
Research, Past President
Agriculture
Medicaid Reform Task Force
Natural Resources
Natural Resources Legacy Alliance

Testimony by Senator Tim Huelskamp
House Transportation Committee – SB 234
Thursday, March 17, 2005

A handwritten signature in black ink, appearing to read "THH", written over the text of the testimony header.

Mr. Chairman and fellow committee members:

SB 234 is a bill designed for one purpose – to require that the state of Kansas continue to lead by example in the use of renewable fuels. Let me explain.

Two years ago, this Legislature passed a requirement that all bulk motor vehicle fuels purchased by any state agency must contain ethanol or biodiesel (subject to a maximum price differential of a dime).

Since this renewable fuels requirement was adopted, Governor Sebelius has – very wisely, I might add – eliminated the central motor pool. Consequently, instead of state-owned vehicles, many state employees are now driving rented or leased vehicles – often fueling without benefit of bulk purchases.

In SB 234, we propose that all motor vehicle fuel purchases – including rented and leased vehicles – maximize the use of renewable fuels and its positive impact on our agricultural economy.

I do have one proposed amendment. SB 56 has passed the Senate, the House Agriculture Committee, and is currently pending on the House floor. That bill would eliminate the current mandatory labeling on gas pumps using any ethanol blend. My proposed amendment would clarify that in the absence of point of sale identification there is no usage requirement.

Thank you for your consideration of this proposed legislation.

House Transportation
Date: 3-22-05
Attachment # 9

A handwritten mark or signature in black ink, possibly a name or initials, located at the bottom right corner of the page.

SENATE BILL No. 234

By Committee on Elections and Local Government

2-9

10 AN ACT concerning motor vehicles and equipment used by the state;
11 relating to fuel purchase therefor; amending K.S.A. 2004 Supp. 75-
12 3744a and repealing the existing section.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2004 Supp. 75-3744a is hereby amended to read
16 as follows: 75-3744a. (a) As used in this section, "motor-vehicle fuels" has
17 the meaning provided by K.S.A. 79-3401, and amendments thereto.

18 (b) All bulk motor-vehicle fuels purchased by any state agency, as
19 defined in K.S.A. 75-3701, and amendments thereto, in each fiscal year
20 for use in ~~state-owned~~ motor vehicles *owned, rented or leased by the state,*
21 *or any agency thereof,* shall be motor-vehicle fuels blends containing at
22 least 10% ethanol. No state agency shall spend more than ten cents per
23 gallon more on fuel blends containing at least 10% ethanol than the cur-
24 rent price per gallon of regular fuel on bulk motor vehicle fuel purchases.

25 (c) *Any motor vehicle rental contract entered into by the state*
26 *for the rent or lease of vehicles or renewed after the effective date*
27 *of this act shall require that the lessor provide that all bulk motor-*
28 *vehicle fuels purchased by lessor or on behalf of the lessor for use*
29 *in vehicles leased to the state of Kansas, or any agency thereof, shall*
30 *be motor-vehicle fuel blends containing at least 10% ethanol.*

31 ~~(e) (d) Where available under current state purchasing agreements,~~
32 **Individual** motor-vehicle fuel purchases for state-owned motor vehicles
33 shall be of motor-vehicle fuels blends containing at least 10% ethanol.
34 Individual motor vehicle fuel purchases for ~~state-owned~~ motor vehicles
35 *owned, rented or leased by the state or any agency thereof,* shall not be
36 more than 10 cents per gallon more on fuel blends containing at least
37 10% ethanol than the current price per gallon of regular fuel.

38 ~~(e)~~ (e) Where available, and as long as the price is no greater than
39 10 cents more per gallon than the price of diesel fuel, a 2% or higher
40 blend of biodiesel must be purchased for use in ~~state-owned~~ diesel pow-
41 ered vehicles and equipment *owned, rented or leased by the state or any*
42 *agency thereof.*

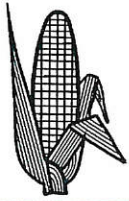
43 Sec. 2. K.S.A. 2004 Supp. 75-3744a is hereby repealed.

9-2
2005
Where available under current state purchasing agreements,
and identified at the point of sale, individual

1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the statute book.

9-3

~~Page~~



**Kansas Corn Growers Association
Kansas Grain Sorghum Producers Association**



**Testimony of Jere White Regarding Senate Bill No. 234
Before the House Transportation Committee
March 21, 2005**

Good afternoon Mr. Chairman and members of the Committee, my name is Jere White. I am the Executive Director for both the Kansas Corn Growers Association and the Kansas Grain Sorghum Producers Association. I appreciate the opportunity to testify in support of SB 234.

Senate Bill 234 would amend a provision of law which requires that all bulk fuel purchases and individual motor-fuel purchases for state-owned vehicles to be fuel blends containing at least ten percent ethanol or two percent biodiesel, as long as the price is within \$.10/gallon. The purpose of this bill is to address the drastic reduction of the actual state fleet and would require that all vehicles owned, rented or leased by the state, or any of its agencies, would be required to purchase fuel blends containing at least ten percent ethanol or two percent biodiesel.

We support the amendment language submitted by Senator Huelskamp that would remove the requirement on individual motor fuel purchases when the product is not identified at the point of sale.

In addition, we would also note that in section (d), the intent to add language that includes rented or leased by the state, was mistakenly only added in the discussion regarding possible price differential, on line 35. It should have also been included on line 32 as a rewording of "state owned" as it was on line 34. We would recommend that this committee make that change.

We also support language that any motor vehicle rental contract entered into by the state would require that all bulk motor-vehicle fuels purchased by the leasing agency for use in vehicles leased to the state contain not less than ten percent ethanol. Today, there are no bulk fuel purchases by the leasing entity the state uses, but we support the language being included as the future is subject to change. We can't rule out the possibility that the state might have an arrangement at some point in the future that would include fuel.

Mr. Chairman, members of the Committee, SB 234 addresses the intent of the original legislation from two years ago. That intent was that all fuel purchased by Kansas taxpayers should contain at least ten percent ethanol or two percent biodiesel, when such products are available within the price limitations that were established. SB 234, merely updates that intent to allow it to work in the current state fleet scenario. The State of Kansas should continue its rich heritage of leadership by example and both use and promote renewable fuels.

Thank you.

House Transportation
Date: 3-22-05
Attachment # 10



PUBLIC POLICY STATEMENT

HOUSE COMMITTEE on TRANSPORTATION

RE: SB 234 – an act concerning motor vehicles and equipment used by the state; relating to fuel purchase.

March 17, 2005
Topeka, Kansas

Testimony provided by:
Brad Harrelson
State Policy Director
KFB Governmental Relations

Chairman Hayzlett, and members of the House Committee on Transportation, thank you for the opportunity to appear today in support of SB 234. I am Brad Harrelson, State Policy Director—Governmental Relations for Kansas Farm Bureau. KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations.

On behalf of Kansas Farm Bureau (KFB) I would like to extend our appreciation to the Kansas Legislature for its past support for bio-fuels. You undoubtedly share our firm commitment to this valuable, renewable energy resource. We at KFB stand ready to assist you in your mission to promote these alternative fuels.

Ethanol is unquestionably, one of the most notable success stories in agriculture today. Ethanol demand continues to surge, and the industry is setting unprecedented production records with 3.3 billion gallons in 2004, up from 2.81 billion gallons in 2003. Consumption of this high-octane, low-emission fuel not only reduces our dependence on foreign oil; it enhances market demand for corn and other grains, which is good for Kansas producers, and the rural Kansas economy.

House Transportation
Date: 3-22-05
Attachment # 11

~~11 of 2~~

While these statistics are most encouraging, we believe there is more that can be done to promote bio-fuel consumption. Our members have long-standing policy encouraging the state to develop and implement an aggressive plan for increasing bio-fuel usage in state vehicles and fuel purchases. To the extent that these goals are addressed, we offer our support to passage of SB 234. In fact, we support higher targets than outlined in the bill. For a state that supports increased usage of bio-fuels, we believe this to be good public policy, and sets in place meaningful requirements to ensure that commitment.

It is our understanding that an amendment may be offered providing clarification and relief from the requirements if alternative fuels are unavailable. It is not our intention to place unnecessary or unreasonable impositions on the state or state employees. We would be supportive of such an amendment for the aforementioned reasons.

In summary, thank you for your consideration, your support of bio-fuels and Kansas agricultural producers. Kansas Farm Bureau respectfully urges your recommendation to pass favorably SB 234. We stand ready to assist as you consider this measure.

Thank you.

~~_____~~ 11-2

Kansas Department of Administration

Duane Goossen, Secretary

1000 SW Jackson, Suite 500

Topeka, Kansas 66612-1368

(785) 296-3011

House Transportation Committee

Senate Bill 234

Chris Howe, Director of Purchasing

Division of Purchases

March 17, 2005

Thank you for the opportunity to present information on the State of Kansas' current commitment to the usage of ethanol in state operated vehicles.

Current law requires all bulk fuel purchases by the State of Kansas to be at least 10% ethanol, or E-10. Additionally, in a memo sent to state employees last December (see attached), Governor Sebelius made it clear that, despite the elimination of over 10% of the state's fleet of cars and trucks, she still expected state employees to fill their tanks with E-10 when on official state business.

As that memo makes clear, it is the Governor's interpretation of KSA 75-3744a that E-10 should be used by state employees regardless of whether they are traveling in a state owned vehicle or not. Senate Bill 234 would put that interpretation into statute.

I have also provided for the committee folders which are being used by all state agencies reminding state employees to make use of Ethanol when on state business. These folders are also, voluntarily, being provided by Enterprise when state employees rent a vehicle under our current rental contract.

Because of that commitment to E-10 and other bio-fuels, I would ask for the committee to consider amending the language requiring private companies who provide rental services to the State of Kansas to purchase bio-fuels in bulk. Under existing contracts, it is the responsibility of state employees to return rented vehicles with a full tank of fuel.

By following the provisions of Senate Bill 234, that would mean returned vehicles would have a full tank of E-10, accomplishing the goal of using bio-fuels in vehicles rented by the State of Kansas.

I would be happy to stand for questions.

House Transportation

Date: 3-22-05

Attachment # 12

~~P 1 of 4~~

NEWS RELEASE

KATHLEEN SEBELIUS, GOVERNOR
HOWARD FRICKE, SECRETARY

 **KANSAS**
DEPARTMENT of COMMERCE
1000 S. W. Jackson Street, Suite 100
Topeka, Kansas 66612-1354
Phone: (785) 296-3481
TTY (Hearing Impaired): (785) 296-3487
Fax: (785) 296-5055
www.kansascommerce.com
e-mail: admin@kansascommerce.com

December 27, 2004

Contact: Sally Lunsford (785) 296-2477

FILL IT WITH ETHANOL – PROMOTION AIMED AT STATE EMPLOYEES

The Kansas Department of Commerce (Commerce) is leading a promotion aimed at encouraging State employees to use biofuels while traveling on State business, whether driving State vehicles or rental vehicles.

K.S.A. 75-3744a requires ethanol and biodiesel fuels to be used in State-owned vehicles and equipment, both through bulk and individual purchases, when these fuels are available and priced no more than 10 cents per gallon above regular. Governor Sebelius is sending a letter to all State employees, reminding them that the use of biofuel is not only required in State vehicles, it is also encouraged in rental and private vehicles being driven while on State business.

“We have reduced the size of the State fleet during my Administration, but our commitment to biofuels increases,” said Governor Sebelius. “Biofuels increase markets for our farm products, provide a value-added opportunity for Kansas farmers, and create jobs in our rural communities. Reducing our reliance on foreign oil is a necessity for this state and this nation. Biofuels benefit both the environment and the pocketbooks of Kansans.”

Governor Sebelius is vice-chair of the Governors’ Ethanol Coalition and has made the use of ethanol and biodiesel a priority for her Administration. To encourage the use of biofuels, the Agriculture Marketing Division of Commerce is providing promotional materials to all State agencies to distribute to their employees who travel on State business. Employees will be given handy “Fill it With Ethanol” pocket folders, which feature an ethanol reminder on the cover and have places for travel papers and fuel cards inside.

Hundreds of stations across the state offer E10, and E85 is becoming more readily available. Nationally, the industry continues to beat its monthly production records, and more investment is flowing into the business from a variety of sources. Nearly \$2 billion in capital investment is expected to be made in 2005.

“Kansas is increasingly a player on the national ethanol scene,” said Jesse McCurry, Industrial Agriculture Manager at the Kansas Department of Commerce. “Our six ethanol plants are putting out 130 million gallons per year, and East Kansas Agri Energy at Garnett is a new, welcome addition to the family. Beyond processing, there is also great leadership, engineering, and management experience coming out of Kansas companies in this industry.”

Biofuels are safe, high-performing, environmentally friendly alternatives. All newer cars can safely burn not only E10, but often E85 as well. E10 is also safe in smaller engines. Both E10 and E85 are becoming more readily available at many locations in Kansas. A listing of available biofuel pumps can be found using the ConnectCodes "ethanol" or "biodiesel" at the Kansas Department of Commerce web site www.kansascommerce.com.

12-2
2 of 4

For more information, contact Jesse McCurry at (785) 296-6080 or jmccurry@kansascommerce.com. Funding for Commerce's industrial agriculture program is provided by the Economic Development Initiatives Fund (EDIF), which is derived from state lottery proceeds.

The mission of the Kansas Department of Commerce is to empower business and communities through bold leadership using strategic resources to realize prosperity in Kansas.

###

Dear State Employees:

This memo is to remind all state employees that the use of ethanol and biodiesel are both a requirement and a priority for my administration.

I supported the law that established biofuel usage among state employees. K.S.A. 75-3744a calls for ethanol and biodiesel fuels to be used in state vehicles and equipment, both through bulk and individual purchases, when these fuels are available and priced no more than 10 cents/gallon above regular.

I'm pleased to serve as vice-chair of the Governor's Ethanol Coalition and continue to strongly support the use of ethanol and biodiesel in vehicles that are being used to conduct the state's business. Biofuels increase markets for our farm products, provide a value-added opportunity for Kansas farmers, and create jobs in our rural communities. Reducing our reliance on foreign oil is a necessity for this state and this nation. Biofuels benefit both the environment and the pocketbooks of Kansans.

We have reduced the size of the state fleet during my administration, but our commitment to biofuels increases. I remind all state agencies to utilize these fuels when possible when they make bulk purchases for fleet vehicles and equipment owned by the state, and ask all state employees to remember to purchase biofuels when possible for *any* vehicle they are driving while on state business.

Biofuels are safe, high performing, environmentally friendly alternatives. All newer cars can safely burn not only E10, but often E85. E10 is also safe in smaller engines. Both E10 and E85 are becoming more readily available at many locations in Kansas. A listing of available biofuel pumps can be found using the ConnectCodes "ethanol" and "biodiesel" at the Kansas Department of Commerce website: www.kansascommerce.com.

Also, a brochure outlining the promotional effort will be available in your agency over the coming weeks. Take it with you on the road, as it can handily hold paperwork, etc.

Be safe driving over the Holidays. And fill up with ethanol.

C. FRANK MILLER
 REPRESENTATIVE, TWELFTH DISTRICT
 MONTGOMERY, CHAUTAUQUA, AND
 ELK COUNTIES
 HOME ADDRESS: P.O. BOX 665
 INDEPENDENCE, KANSAS 67301
 TOPEKA OFFICE: STATEHOUSE, RM 431-N
 TOPEKA, KANSAS 66612
 (785) 296-7646



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: EDUCATION
 HEALTH AND HUMAN
 SERVICES
 ETHICS AND ELECTIONS
 LEGISLATIVE POST AUDIT

March 22, 2005

Honorable Representative Gary Hayzlett, Chairman
 Members of the House Transportation Committee

It is my pleasure to stand before you today in support of SB 81.

Mr. Chairman, I think we all understand the need for having our vehicles adequately lighted under most circumstances, such as the time span between sunset and sunrise, and when atmospheric conditions are unfavorable. However, present law does not emphasize the use of windshield wipers.

Mr. Nelson Olinger lives in my district and he has expressed a concern that at times motorists do not turn on their lights during times when smoke or fog is prevalent. It was also brought to my attention that when windshield wipers are used because of light rain or fog, then head lights and tail lights should also be turned on.

SB 81 clarifies and improves two provisions now in the law regarding when headlights and illuminating devices shall be turned-on:

1. When there is insufficient light, unfavorable atmospheric conditions, smoke, fog, or when a vehicle or person cannot be discerned at a distance of 1,000 feet or less.
2. When windshield wipers are used due to rain, sleet, or snow.

The revised law does have some limitations. For instance, an officer cannot issue a citation if the only violation is that windshield wipers are off in fog or rain. However, a citation can be issued as a secondary traffic violation to a more specific traffic violation.

In Senate hearings this bill was supported by:

1. Mr. Nelson Olinger, Independence, Kansas
2. Mr. Dan Ramlow, Executive Vice President, Kansas Contractors Assoc.
3. James R. Hanni, Executive Vice President, Kansas Region and Public Affairs, Automobile Association of America of Kansas. (written testimony only)
4. Tom Whitaker, Executive Director, Kansas Motor Carriers Assoc. (written testimony only)
5. Lt. John Eichkorn, Kansas Highway Patrol. (written testimony only)

The bill passed in the Senate, February 23, by a wide margin - 27 yeas to 12 nays. I urge the committee to support SB 81.

Thank you Mr. Chairman and I stand for questions.

Testimony submitted by

Representative Frank Miller

House Transportation
 Date: 3-22-05
 Attachment # B

THE KANSAS CONTRACTORS ASSOCIATION, INC.

316 SW 33RD ST • PO BOX 5061
TOPEKA KS 66605-0061



TEL (785) 266-4152
FAX (785) 266-6191
kca@ink.org
www.accesskansas.org/kca

TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE ON SENATE BILL 81

Dan Ramlow, Executive Vice President
Kansas Contractors Association
March 22, 2005

Mr. Chairman and members of the committee. My name is Dan Ramlow and I am here this afternoon representing the Kansas Contractors Association on **Senate Bill 81**. Our members build and supply the majority of the heavy, highway and utility projects in our state.

I am here before you again to testify in favor of what is referred to as the “wiper” bill, as I did last month on House Bill 2127, the companion bill that was before your committee then. **Senate Bill 81** passed the Senate by a vote of 27-12, where it was slightly amended to include the words “smoke” and “fog” in the paragraph describing certain unfavorable atmospheric conditions, and to emphasize that one’s windshield wipers need to be on in a continuous mode for the law to be enforced.

Our association gives its total support to **Senate Bill 81**, a bill of common sense legislation that has positive safety features for the motoring public, and which would also benefit and protect our industry’s workers in construction work zones during inclement weather.

We understand certain reluctance to mandate a driver’s behavior, but we believe this legislation would save lives on our state’s roads and highways, not only of motorists themselves, but also of the state DOT and highway workers at work on projects around the state. This “mandate” is in effect in 20 states and the District of Columbia, including the Midwestern states of Missouri, Arkansas, Illinois, Nebraska and Minnesota.

House Transportation
Date: 3-22-05
Attachment # 14

D. Ramlow

The organizations representing the directly-affected parties of this legislation are supportive of its passage. This list of supporters, some of whom will testify in person or by letter, includes the Kansas Department of Transportation, the 143,000-member AAA of Kansas, the Kansas Motor Carriers Association and the Kansas Highway Patrol.

We respectfully request your positive vote on **Senate Bill 81**, giving it favorable passage to the full House for further debate. If **Senate Bill 81** were to become law, we expect it to have an immediate effect on our job sites throughout Kansas, and for this we would be most grateful.

I thank you for your time and effort in hearing this important proposed legislation, and will stay after the hearing if there are any specific questions I might be able to address.

Nelson Olinger
Route 2, Box 220-C
Independence, KS 67301

Chairman and members of the committee, thank you for providing me with this opportunity to speak on Senate Bill 81. I believe this bill is important as a safety issue. Often during inclement weather, like the weather in Topeka yesterday, headlights are not used by motorists during daylight hours. I believe this is a hazard because of the lack of sufficient visibility, especially on narrow highways and under highway speeds. In inclement weather, during daylight hours, cars may begin to blend in with the surroundings. Without visible taillights it is hard to recognize a breaking vehicle which can cause serious accidents especially on already treacherous roads. It is my belief that the use of headlights and taillights will help motorists to better recognize a vehicle in this kind of weather.

I urge the committee to pass Senate Bill 81. I again thank you for the opportunity to address this committee.

House Transportation
Date: 3-22-05
Attachment # 15





KANSAS

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

Testimony on SB 81 House Transportation Committee

Presented by
LT John Eichkorn
Kansas Highway Patrol

March 22, 2005

Good afternoon, Mr. Chairman and members of the committee. My name is LT John Eichkorn, and I appear before you on behalf of Colonel William Seck and the Kansas Highway Patrol to support Senate Bill 81.

Kansas is no stranger to adverse conditions such as rain, fog, snow or sleet. As members of the law enforcement community, we are responsible for ensuring the motoring public reaches their destination safely, even during unfavorable conditions. Therefore, the Patrol sees merit in the proposed amendment.

Requiring motorists to turn on head and taillights during adverse conditions (when the continuous use of windshield wipers is necessary) will allow drivers to better see oncoming traffic and most importantly, be seen by other drivers. I think most of us can relate when I say that it can be a hair raising experience to miss seeing a vehicle while driving in adverse conditions such as snow. White colored vehicles often blend in with the snowy background making them difficult to see. This is also true with many other colors of vehicles during other driving conditions.

Senate Bill 81 provides a relatively easy step that has the potential to prevent injuries and save lives. For instance, when driving at night, we are able to avoid crashes by seeing the headlamps of the oncoming cars. And, just as we wouldn't want to drive at night without our headlights on, we shouldn't drive with them off during adverse conditions requiring the continuous use of windshield wipers.

While the Patrol supports most of Senate Bill 81, making this legislation a secondary offense hinders the ability of law enforcement officials to encourage the use of headlamps during adverse conditions. As in the case of safety belts, officers in Kansas can only issue a citation for a safety belt violation after observing and issuing a citation for a separate violation, such as speeding or improperly changing lanes.

For example, an officer stops a driver for a broken taillight, which would usually result in a warning, and notices that the front seat occupants are unbuckled. Under current law, the officer cannot issue a warning for the taillight and a citation for the safety belt violation. In order to issue a ticket for the safety belt violation, he or she must cite the driver for both violations.

While the officer is very aware of the dangers unbuckled occupants face, he or she may feel reluctant to issue two tickets to someone who is now looking at the expense of fixing a broken taillight. The officer is likely to give the driver two warnings instead of two citations. Situations like this weaken traffic safety and ultimately lead to lower safety belt usage rates for Kansas.

The same effect of a secondary safety belt law could be found when enforcing the provision of SB 81. It would be harder for law enforcement officers to acknowledge the importance of this measure and would make it more difficult to enforce. Unfortunately, we would not be helping to eliminate the problem. Instead, it would be more like putting on a "band-aid." Ultimately, the Patrol suggests the committee consider eliminating this provision.

Just as we as drivers want to see the presence of oncoming cars at night, the Patrol wants to make sure that motorists can see oncoming traffic during adverse conditions. And while secondary language has proven to make good legislation somewhat ineffective, the Kansas Highway Patrol supports SB 81 because of its potential benefits to the motoring public. The Patrol appreciates the opportunity to address you today and urges this committee to give Senate Bill 81 (with the proposed elimination of secondary language) a favorable report.

###

16-2

~~_____~~