

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on March 7, 2006 in Room 527-S of the Capitol.

All members were present except:  
Anthony Hensley- excused  
Vicki Schmidt - excused

Committee staff present:  
Hank Avila, Kansas Legislative Research Department  
Bruce Kinzie, Revisors of Statutes  
Maggie Breen, Committee Secretary

Conferees appearing before the committee:  
Representative Carl Krehbiel  
Representative Dan Johnson  
Representative Tim Owens  
Representative Ed O'Malley  
Representative Robert Olson  
Representative Jene Vickrey

Others attending:  
See attached list.

Chairman Donovan opened the hearing on **HB 2705 - Designating a part of interstate 135 as the Vietnam war veterans memorial highway.**

Representative Carl Krehbiel said **HB 2705** designates that portion of I-135 in McPherson and Harvey Counties as the Vietnam War Veterans Memorial Highway. Not much needs to be said. It's overdue that the state of Kansas extends this recognition to our Kansas veterans of the Vietnam War. The bill came out of the House Transportation Committee, was placed on the consent calendar, and passed the house by a vote of 122 to 0. (Attachment 1)

Representative Dan Johnson said he agrees with Representative Krehbiel. As a retired Army Officer, who trained many of the young men who went to Vietnam, he thinks it's long overdue that we recognize them with an appropriate recognition. (No handout)

Representative Tim Owens said as a Vietnam veteran, and also the son and brother of Vietnam veterans, he strongly supports this bill. His father is buried in Newton, Kansas in Harvey County. He thinks it's a fitting tribute to all the Kansans who served in Vietnam and would certainly appreciate the committee's support. (No handout)

Chairman Donovan closed the hearing on **HB 2705** and opened the hearing on:

**HB 2758 - Designating a part of K-177 and U.S. 24 highways as Coach Bill Snyder highway.**

Representative Ed O'Malley said **HB 2758** is not nearly as important as the bill that was just heard and the bill that will be heard next, but he hopes the committee will look favorably on it as well. This bill honors Coach Bill Snyder who was a great Kansas and has done a lot for the state of Kansas and for Kansas State University. In the House's opinion, a small way for us to show our gratitude to him is to rename portions of K-177 Highway after him. Basically, it's a 9 mile stretch from I-70 to the city of Manhattan. (Attachment 2)

Chairman Donovan closed the hearing on **HB 2758** and opened the hearing on:

**HB 2951 - Designating part of US 36 highway as the World War I veterans memorial highway.**

Representative Robert Olson said the bill originated when they were hearing the bill for the Vietnam Veterans

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on March 7, 2006 in Room 527-S of the Capitol.

Memorial Highway. Some of the testimony said that World War I has not been done. He and Representative Jene Vickrey started working on it and expedited the bill. There is one World War I veteran in the state of Kansas and he is 106 and a half. Time is of the essence. He lives in Smith County and the portion of highway they are designating as World War I Veterans Memorial Highway is in Smith County. They are doing so to honor his life and his service to his country. It is also to honor the rest of the people who served in World War I. These people fought and died so that we'd have the freedom to be here today and this is a great tribute we can make to honor them. (Attachment 3)

Representative Jene Vickrey said the bill is personal to him. He knows Walt Herrstrom, Sr. Walt only talks about his war record if asked about it. He was in an infantry division called Old Hickory, called that for their toughness. He was in war the most consecutive days of any infantry division at that time. He is one of only three that survived that division. He lost an eye when a shell went off close to him and the only way they found him before he died was that his rifle was showing. He lost his left lung and had to give up his life dream of being a cattle farmer in Iowa. He ended up going to Arizona for years. He did regain his health enough to come to Kansas and raise cattle here. We need to honor all of our World War I Veterans. Mary Pilcher-Cook placed an amendment on the bill for a section of the highway to recognize those war veterans that served in submarine duty. (Attachment 4)

Chairman Donovan closed the hearing on **HB 2951** and said the committee would discuss **SB 456- Open records; disclosure of certain records pertaining to drivers of motor vehicles transporting members of the public.**

Hank Avila distributed handouts of what he'd found on background checks being done on bus drivers in other states. (Attachments 5, 6 & 7)

Chairman Donovan asked if the information applied only to school bus drivers or to anyone who transports over a certain number of people. Hank said Missouri law also includes cooks, custodians, secretaries, para-professionals, and nurses. He said that he did find out that the discussion is going towards including the background requirement within the contract. Wisconsin passed a law recently where they exempted the private contracts but the new contracts would not be exempt. He thinks Illinois is considering doing the same thing.

Chairman Donovan asked the committee to read the contracts before the committee met again.

There was a discussion regarding the drivers of minibuses and other vehicles that transports the handicapped and elderly and what their requirements are.

Senator Wilson made a motion to move **HB 2705, HB 2758 and HB 2951** out favorably and put on the consent calendar. Senator Gilstrap seconded the motion. The motion carried.

Senator Donovan requested approval of the committee minutes of February 7, February 9, and February 21

Senator Gilstrap made a motion to approve the committee minutes as written. Senator Wilson seconded the motion. The motion carried.

The meeting adjourned at 8:57 a.m.

The next meeting is scheduled for Wednesday, March 8, 2006.

**SENATE TRANSPORTATION COMMITTEE  
GUEST LIST**

**DATE: March 7, 2006**

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Tom Whitaker	Ks Motor Carriers Assn.
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ECONOMIC DEVELOPMENT

March 7, 2006

**Testimony of Rep. Carl Krehbiel  
On House Bill 2705**

Thank you Chairman Donovan and members of the Committee.

I appreciate the Senate Transportation Committee's consideration of HB 2705, which designates that portion of I-135 in McPherson and Harvey Counties as the Vietnam War Veterans Memorial Highway.

In general, recognition of the service and sacrifices made by veterans of the Vietnam War has been belated across the country. Fortunately the people of the United States have entered into a new era of appreciating their fellow citizens who serve our country in the military, regardless of whether they agree with a particular government action that puts their fellow Americans in harm's way. I believe this would be an opportune time for Kansas to extend this gesture of recognition and appreciation to all of our fellow Kansans who served our country during that conflict.

I also hope that in the near future, a similar gesture of recognition and appreciation will be extended to those who have served in other conflicts.

I am confident that all Kansas veterans would join in appreciation of the Committee's support for HB 2705.

Thank you for your consideration of this bill.



REP. EDWARD J. O'MALLEY JR.  
STATE OF KANSAS, 24TH DISTRICT

## Testimony in Support of House Bill 2758 – Creating the Coach Bill Snyder Highway

Rep. Ed O'Malley  
March 7, 2006

House Bill 2758 would designate the Coach Bill Snyder Highway. Specifically, HB 2758 would designate K-177 highway, from its junction with Interstate 70 northward to its junction with Highway 24, and Highway 24 northward to its junction with K-13 highway, as the Coach Bill Snyder Highway.

The following accomplishments are just a sampling of the success Coach Snyder created at Kansas State University:

- 1 2003 Big 12 Title
- 2 Four Big 12 North Titles
- 3 Career record: 136-68-1
- 4 Eleven bowl games (consecutive, 93-03)
- 5 Forty All-Americans
- 6 Nine consensus 1<sup>st</sup> team All-Americans
- 7 One Heisman Trophy runner-up (Michael Bishop)
- 8 Three-time National Coach of the Year (1991, 1994, 1998)
- 9 Bear Bryant Coach of the Year Award winner – 1998
- 10 Nine-time Big 12/8 Coach of the Year winner

Bill Snyder transformed a miserable program into a nationally acclaimed and respected organization. He brought more positive attention and recognition to Kansas State University than any attempt at a public relations campaign could have ever done.

He gave us the Powercat, the lone symbol that people across the country can undoubtedly associate with K-State. His hard work and sacrifice allowed K-Staters to uncontrollably rejoice with the school's first bowl victory, the long-awaited parting of the red seas of Nebraska and Oklahoma, and the school's first Big 12 Conference Championship.

More important than his accomplishments along the sidelines, however, is the number of lives he touched at K-State. Bill Snyder has been a model mentor to so many student athletes. He taught the lessons of the gridiron and the lessons of life. He taught

his athletes, as well as admirers like me, the value of work ethic, leadership and community service.

The educational experience of all students was enhanced by the recognition and funding generated by the football program. His involvement with the Kansas State Leadership Studies Program will undoubtedly produce quality leaders for our state, nation, and even the world.

Bill Snyder's tireless and selfless work at K-State will leave a lasting legacy for future generations of Kansans. When Kansans travel Coach Bill Snyder Highway they will be reminded of all the Coach has done for our great state.

I encourage the committee to support House Bill 2758.

**Robert (Rob) Olson**  
REPRESENTATIVE, 26TH DISTRICT  
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Financial Institutions  
Transportation  
Utilities

March 7, 2006

The Honorable Les Donovan  
Senate Committee on Transportation  
State House Room 120-S  
Topeka, Kansas 66612

Subject: HB 2951

Smith County in North-Central Kansas is home to the last known World War One veteran in the State. Albert F. "Jud" Wagner is an 87 year member of the American Legion and is thought to be the oldest living Marine in the nation at 106 ½ years old. Given Mr. Wagner's Service to our Country, his status as the last WWI veteran in Kansas and perhaps the nation's oldest living Marine, I would ask the Committee to designate the portion of U.S. 36 Highway that runs through Smith County, where he resides, as the World War I Veterans Memorial Highway.

Representative Robert Olson  
26<sup>th</sup> District

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**JENE VICKREY**  
**6<sup>TH</sup> DISTRICT**

March 7, 2006

Testimony of Representative Jene Vickrey  
**HB 2951** - Designating part of U.S. 36 Highway as the  
World War I Veterans Memorial Highway

Our Transportation Committee has an extreme honor today in beginning the process to name a part of U.S. 36 Highway the World War I Veterans Memorial Highway. The last World War I Veteran in Kansas is now 106 years old and lives in Smith Center. U.S. 36 Highway passes through Smith Center.

It is right for us to remember the service of World War I Veterans, the direct person to person knowledge of their heroism and service must be preserved, and their acts recorded and recognized.

Many of us don't realize the sacrifice and service of men, women, and their relatives in preserving our democracy and our freedoms. Every generation since our country's founding, men and women have put their personal lives, hopes, and dreams aside as they answer the call to meet the challenge to defend our nation.

My father, a World War II Veteran, always taught me that the freedoms in our country are paid for by our veterans.

World War I Veteran, Martin Walter Herrstrom, only shared his war record if asked. He was one of three who started the war in the U.S. Army 30<sup>th</sup> Infinity (Old Hickory) Division to be still on active duty at the end. When a shell went off close to him, his rifle was the only thing that showed and he was found before he died. When he came home at the end of the war, he lost one lung from the mustard gas used for years in the trench battles. The doctors had trouble keeping his other lung from building up fluid. He had to leave the Iowa cattle farm life he loved and move to Arizona for many years. He was proud to serve our country and never complained. His three sons served in the military. His oldest son served in World War II. Another son, Walter Herrstrom Jr., enlisted during the Korean War as a Marine and served under our country's most decorated soldier, Chesty Porter. Mr. Porter received 24 purple hearts. Walter Jr., as a machine gunner, took part in the battle of Pork Chop Hill. He was one of four left in his division at the of the Korean War. Walter Sr.'s other son served in the Atomic Commission.

By naming a part of U.S. Highway 36, the World War I Veterans Memorial Highway, we recognize the service and dedication of a generation who preserved our nation's freedoms.

Senate Transportation Committee  
March 7, 2006  
Attachment 4



**From:** "Angela Drumm" <angela.drumm@ncsl.org>  
**To:** <HankA@klrd.state.ks.us>  
**Date:** 3/6/2006 4:27:59 PM  
**Subject:** Background checks on school bus drivers

Hank,  
Matt Sundeen asked me to look into your information request and here is what I found: we ran a statute search on the requirement of background checks on school bus drivers and it came back with 16 states that have the requirement in statute:

Alaska  
Arizona:  
<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/28/03228.htm&Title=28&DocType=ARS>  
California  
Delaware  
Illinois  
Michigan  
Minnesota  
Missouri- <http://www.moga.state.mo.us/statutes/c100-199/1680000133.htm>  
New Hampshire  
New Jersey  
New Mexico  
New York  
Pennsylvania  
Texas: <http://www.capitol.state.tx.us/statutes/ed.toc.htm> Scroll down to Chapter 22 Section 84-- Criminal History Records

Please note that other states may require background checks through administrative rule or through local school boards-- these states would not have been captured in our statute search.

Please let me know if I can be of further assistance.  
Thank you,  
Angie Drumm  
angela.drumm@ncsl.org

**CC:** "Matt Sundeen" <matt.sundeen@ncsl.org>

# *Missouri Revised Statutes*

## **Chapter 168**

### **Personnel--Teachers and Others**

#### **Section 168.133**

August 28, 2005

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#### **Criminal background checks required for school personnel, when, procedure--rulemaking authority.**

168.133. 1. The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers to operate buses pending the result of the criminal background check. For bus drivers, the background check shall be conducted on drivers employed by the school district or employed by a pupil transportation company under contract with the school district.

2. In order to facilitate the criminal history background check on any person employed after January 1, 2005, the applicant shall submit two sets of fingerprints collected pursuant to standards determined by the Missouri highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the family care safety registry pursuant to sections 210.900 to 210.936, RSMo, and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

3. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530, RSMo, and sections 210.900 to 210.936, RSMo, and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.

4. The school district may adopt a policy to provide for reimbursement of expenses incurred by an employee for state and federal criminal history information pursuant to section 43.530, RSMo.

5. If, as a result of the criminal history background check mandated by this section, it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, such information shall be reported to the department of elementary and secondary education.

6. Any school official making a report to the department of elementary and secondary education in conformity with this section shall not be subject to civil liability for such action.

Senate Transportation Committee  
March 7, 2006  
Attachment 6

7. Nothing in this section shall be construed to alter the standards for suspension, denial, or revocation of a certificate issued pursuant to this chapter.

8. The state board of education may promulgate rules for criminal history background checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void.

(L. 2004 H.B. 1453 § 168.283, A.L. 2005 H.B. 487)

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## Wheels turning on bus drivers

### Law lets parents ask who's driving kids to school

By TOM KERTSCHER  
tkertscher@journalsentinel.com

As recently as a few years ago, if you wanted the name of your child's school bus driver, you might have been in for a court battle.

*Advertisement*

That part of the state's public records law perplexed Kathy Merlo, president of the Parent Teacher Organization for Waterford grade schools.

"I wouldn't know why that would be withheld," Merlo said of the bus driver names. "You know your kid's teacher, why wouldn't you know your bus driver? You're putting a lot of trust in them, too."

That belief, as well as a protracted court battle, led to legislation that not only gives parents the right to a school bus driver's name, but expands the state's use of public records to check the driver's criminal background.

Under the law, effective this past November, the state began doing criminal background checks on school bus drivers not only when they apply for a license but every four years, rather than every eight. And since February, parents and guardians - with some temporary exceptions - have had the right to get a bus driver's name from their local school board.

School bus companies previously fought to protect driver privacy, but they have accepted the changes, according to officials of the Wisconsin School Bus Association and Laidlaw Transit, the state's largest school bus company.

"I don't see anything wrong with releasing those names," said Robert Christian, executive director of the Sheboygan-based association.

#### Public records battle

It wasn't always so.

In October 2000, 15 school bus companies and 800 drivers began what would be a 16-month

#### Sunshine Laws

##### Law Highlights

☑ School boards must provide the name of the school bus driver who transports the parent or guardians child. An exception is made if a school district and a bus company have a contract that keeps driver names confidential, but no new contracts can contain such a provision.

☑ The state conducts criminal background checks on school bus drivers every four years, rather than every eight.

☑ The list of crimes that prohibit someone from driving a school bus has been expanded, and the ban on school bus driving can now be imposed for two years to life, depending on the crime.

Wisconsin Legislative Council



Senate Transportation Committee  
March 7, 2006  
Attachment 7

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court battle to block the release of the names of the 1,600 drivers then serving Milwaukee Public Schools. WITI-TV (Channel 6) in Milwaukee wanted to check the drivers' backgrounds.

**SPECIAL SECTION**  
Opening a dialogue about the public's right of access to government information is the focus of "Sunshine Week: Your Right to Know," March 13-19.

A Milwaukee County judge, in a ruling upheld by the state Court of Appeals in November 2001, ordered the release of nearly all the names.

The ruling remained intact after the state Supreme Court refused the bus companies' request to review the case. But the delay in releasing the records helped spur the new legislation, which was authored by Sen. Mary Lazich (R-New Berlin) and Rep. Peggy Krusick (D-Milwaukee).

"It's definitely a safeguard to protect our children," Krusick said of the new law, Wisconsin Act 280.

The legislation was debated even as school bus safety appeared to be improving.

According to the state Department of Transportation, the number of crashes statewide involving school buses has declined in every year but two between 1994 and 2004. Preliminary figures for 2004 show there were 676 crashes involving school buses, down from 1,126 in 1994. No one has been killed in any crashes involving school buses since 1996, although children have been killed after stepping off of buses, including a 4-year-old Kewaskum boy who died in December.

Non-driving incidents, however, have continually raised concerns about the roughly 18,000 men and women licensed to drive school buses in Wisconsin.

A driver for Milwaukee Public Schools was charged this month with second-degree sexual assault after admitting she had several sexual encounters in her home with a 14-year-old boy who rode her bus. In a similar case in March 2000, a driver serving the Racine Unified School District was sentenced to six months in jail and two years of probation after admitting he had sexual intercourse with a 16-year-old girl he met on his bus.

Other recent incidents: the 2004 child pornography conviction of a driver who served Waukesha County schools, the child abuse conviction of a driver caught on tape in 2003 slapping a 9-year-old Milwaukee boy with Down syndrome, and the discovery in 2002 that a registered sex

offender and three other drivers with criminal backgrounds had been transporting children in the Mequon-Thiensville School District.

The new legislation, signed by Gov. Jim Doyle last April, takes two tacks - widening public access to bus driver identities and employing public records to check the drivers' criminal backgrounds more frequently.

**Public access**

The law requires local school boards, upon the request of a parent or guardian, to provide the name of a child's school bus driver. That provision has been in place since February but won't take full effect for some time because of existing contracts between school districts and bus companies.

Some school districts have contracts that restrict what driver information can be released and would not be obligated to provide a driver's name, said Bob Conlin, staff attorney for the state Legislative Council. The new law, however, prohibits any future contracts that would keep driver names confidential, he said.

Getting a school bus driver's name won't necessarily help a parent learn about the driver's background. The new law does not allow parents and guardians to get criminal background check information from school boards or bus companies. And if the bus driver has a common name, it can be difficult to find criminal conviction information on databases available to the public.

**Background checks**

The new law requires the state to conduct criminal background checks on each school bus driver every four years. Previously, the law required checks only when issuing a school bus driver license and then again at renewal time eight years later. The new law also requires drivers who have not lived in Wisconsin for the past two years to provide fingerprints that are used to conduct a national criminal background search.

7-2